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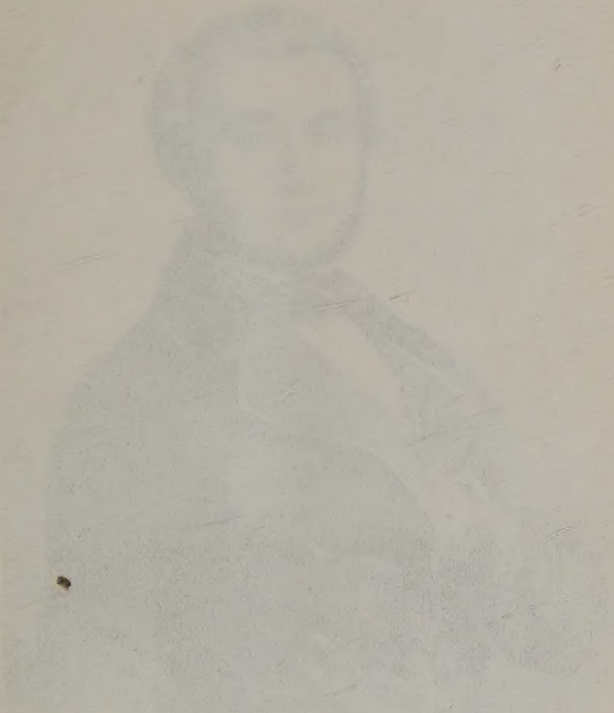

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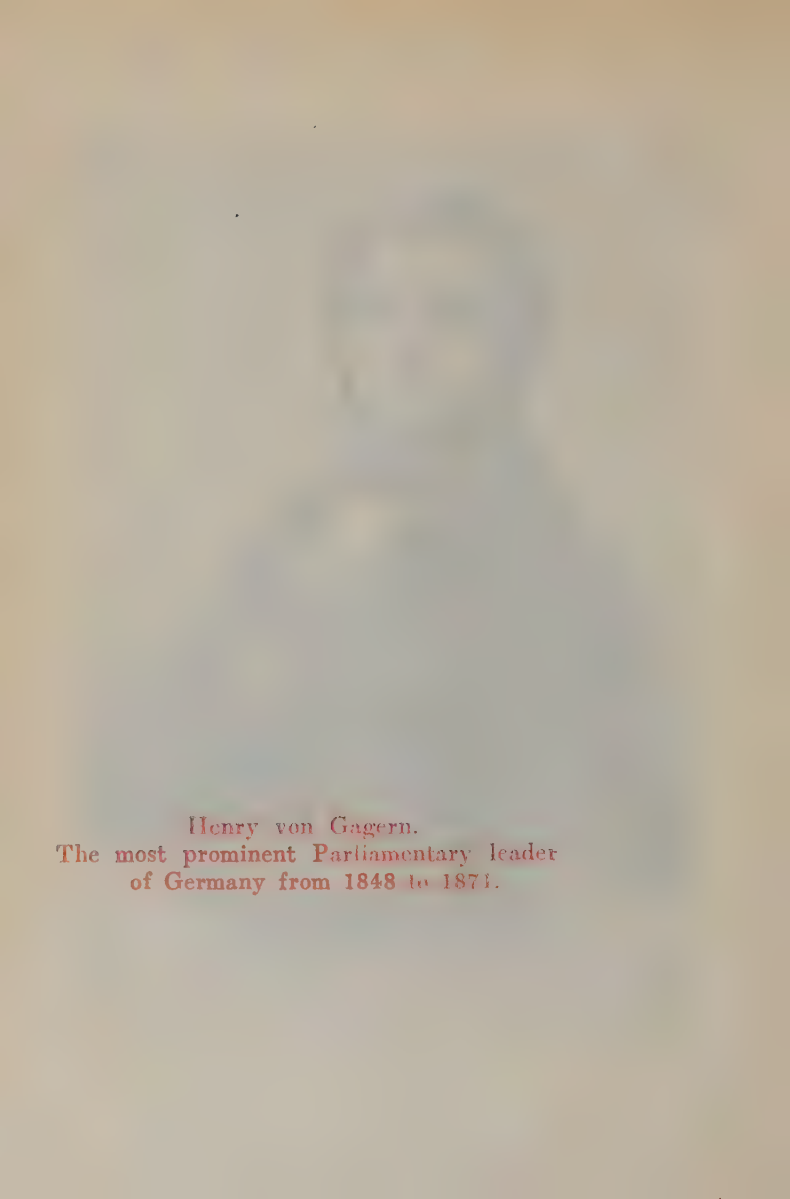

Henry von Gagern.
The most prominent Parliamentary leader
of Germany from 1848 to 1871.

HISTORY

OF THE

GERMAN PEOPLE

FROM THE FIRST AUTHENTIC
ANNALS TO THE PRESENT TIME

With an Introduction by
WILLIAM R. SHEPHERD, Ph. D.
Professor of History, Columbia University

VOLUME THIRTEEN

MODERN GERMANY

The Struggle for Reform and Unity

1848-1870

Edited by
PROF. CHARLES F. HORNE, Ph. D.
of the College of the City of New York
and
AUGUSTUS R. KELLER

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CONTENTS

THE STRUGGLE FOR REFORM AND UNITY

PART I

THE FRANKFORT PARLIAMENT

CHAPTER		PAGE
I.	The Preliminary Parliament	17
II.	The Danish Invasion and Its Consequences	36
III.	Opening of the National Assembly	60
IV.	Debating on the Constitution	75
V.	Internal Dissensions	101
VI.	The End of the Parliament	138

PART II

PRUSSIA'S MILITARY ASCENDANCY

VII.	The First Quarrel with Denmark	194
VIII.	Reactionary Attempts Against Prussian Liberty	220
IX.	Military Reforms	231
X.	The Second Quarrel with Denmark	266

CHAPTER		PAGE
XI.	Bismarck and the Danish War (1864)	279
XII.	The Dispute with Austria (1865-1866)	306
XIII.	The Swift Austrian Campaign (1866)	333
XIV.	The North German Federation	354
XV.	South Germany Joins Forces with Prussia	378

LIST OF ILLUSTRATIONS

FACING PAGE

Heinrich von Gagern. The most prominent parliamentary leader of Germany from 1848 to 1871 . . . . . *Frontispiece*

The First Gathering of the National Assembly in the great Church of St. Paul at Frankfort, May 18, 1848. Von Gagern chosen as Presiding Officer 106

The Welcome to Duke John of Austria as ruler of the new, united, constitutional Germany at Frankfort, July 11, 1848 142

Emperor William I as Prince of Prussia. From a portrait in 1848 180

William I crowned King of Prussia at Königsberg, October 18, 1861 224

The Final Victory of the Danish War. The Prussian Troops storm the island of Alsen, June 29, 1864. From the painting by E. Zimmer 260

The Victory of Königgrätz. King William presents his son, Frederick William, with the Order of Merit on the field of battle . . 300

General von Moltke in 1871 350

PART I

THE FRANKFORT PARLIAMENT

CHAPTER I

THE PRELIMINARY PARLIAMENT

THE first true union of the German nation began in 1848. It was the product of the revolutionary disturbances of that year. In Germany most reforms have been carried forward by the power of the various governments; but this one greatest forward step was made by the initiative of the people themselves. Let us trace its course. The first parliament of the German people was held at Frankfort-on-the-Main in 1848. The German states had at the time their own body of representatives in Frankfort, the *Bundesrat,* or assembly of the feeble Union the states had formed in 1815. But the *Bundesrat* did not call together the people's parliament. The king of Prussia also, by his wavering movements, missed this opportunity to place himself at the head of a united Germany.

No government had yet grasped the modern idea

that it would add to its own strength by permitting the demands of its subjects to be examined and decided on by the subjects themselves, while the government stood forth as the active agency to carry such resolutions into effect. Failing to realize this, the governments continued to regard as their chief duty the standing guard against any popular "encroachments" on their imaginary prerogatives. Thus, instead of showing the way, they resisted progress, and left to private citizens the task of realizing their most ardent desires.

The idea of a representative national assembly was suggested and carried out by men from separate states, who were neither instructed nor formally authorized to take such a step. They acted only because they were convinced that by so doing they were complying with the wishes of a vast majority of the German people. These new men were unpracticed in the details of government; they made grave mistakes. Indeed, the representatives of a population devoid of all political experience could not possibly escape mistakes. But in those days the German governments were as unprepared as the German people for the hard work of founding a German state.

Requests urging the German governments to create a legal basis for the national and liberal movement among Germans came from two directions. In Baden, even prior to the Paris revolution

of 1848, Bassermann demanded that a national parliament be called. At Darmstadt, immediately upon receipt of the news from Paris, Heinrich von Gagern and his followers expressed the opinion that the existing constitution of the German Union was insufficient for Germany's protection against threatening dangers, and requested their grandduke to work with all his energy for the creation of a "provisional head of Germany" and "national representation." These mere suggestions, however, were not sufficient to achieve any definite result. The prospects of success were poor, and the friends of the country who desired to save their Fatherland had to take the matter into their own hands. An exchange of letters between Friedrich Roemer, a liberal member of the Württemberg diet, and von Itzstein in Baden led to a meeting of fifty-one men at Heidelberg on the 5th of March, 1848.

Most of those who gathered at Heidelberg were members of some German congress. Some of them came from Rhenish Prussia, Hesse, Nassau, Baden and Württemberg; there were also three from Bavaria and one, who joined accidentally, from Austria. A radical from Baden recommended the formation of a German republic, but his proposal was rejected by a large majority and a resolution was adopted "to effect as soon as possible a complete meeting of confidential men from all German nations for the purpose of consulting about

the most important steps to be taken at the moment, and offering their coöperation to the country and the governments." A committee of seven, including Gagern, Itzstein, Roemer and Welcker, was appointed to bring about such a meeting; and on the 12th of March invitations were sent out from Heidelberg to "all former or present members of congress or other legislative bodies in all German countries (including East and West Prussia and Schleswig-Holstein) and to some other men having the confidence of the German people, although not members of congress heretofore." These were asked to be present at a conference beginning on the 30th of March at Frankfort-on-the-Main.

It still would have been possible for the Union assembly to recognize this movement of the liberal party in Germany and to assume its leadership. For that purpose, however, it would have been necessary for the two leading German powers to come to an understanding regarding the regulation of jurisdiction within the Union and the limitation of legislation. Unfortunately Austria and Prussia failed to come to such an agreement, not only on account of the revolutions in Vienna and Berlin, but also because their interests were too opposed to each other. Austria, weakened by uprisings among her non-German elements, particularly Hungarians and Italians, was not able to use force in maintaining her supremacy in the Union. Hence she

wished to adopt a waiting policy. Time only could tell what she could save and what would have to be sacrificed. Frederick William IV recognized the fact that Prussia might benefit by the prevailing conditions. He made an attempt to impress upon Prussia the task of reëstablishing a German nation, but he lacked prestige, a clear view and, most of all, the will power to follow a clearly defined policy, when met by opposition. His effort was abandoned before it had taken any definite form. The rulers of the middle states did not have sufficient authority and power or even interest to start innovations which would necessarily limit their own rights as sovereigns, which they valued above everything. Consequently there could be no impulse in the Union assembly for any decisive steps or for a programme to start a reform of this Union.

Whatever the old Union assembly did was done solely for the purpose of not confessing its own uselessness. During the session, on the 8th of March, it was resolved "that a revision of the Union constitution based on present national conditions is necessary." On the 9th of March the old imperial eagle was adopted as the Union escutcheon, and the colors black-red-gold as the Union flag. On the 26th of March these colors were declared the common sign of recognition for Union contingents. On the 29th of March a revision

committee of seventeen confidential men of the governments, corresponding with the seventeen votes of the supreme counselors, met to discuss a draft for a constitution. Nearly all the "seventeen" were liberals, mostly well known and popular individuals. Their selection showed the honest intention on the part of most of the governments to make concessions to the people. Popularity, unfortunately, does not always go hand in hand with ability or political judgment. It soon became evident that a mistake had been made because the professors and literati who were most influential among the "seventeen"—Dahlmann, Gervinus, Uhland, Droysen and Sylvester Jordan—created embarrassments for the Union assembly without promoting the reform work intended by the governments.

Meanwhile the "preliminary parliament" called by the Heidelberg committee of seven met at Frankfort-on-the-Main on the 30th of March. Nothing had been done by any recognized authority to direct its activities or facilitate its relations with the governments. It had indeed been granted precedence in calling together representatives of the German people; but that was only because no one else would act, and this initiative only added to the influence of the democratic party. There would have been different results if the national assembly had been called together by the Union officially, and an

election law had been promulgated. The inactivity of the established national authorities caused the nation to rely on self-help. The opinion was everywhere created that whatever the nation desired would have to be obtained through freely elected representatives, and that in reorganizing the German state existing governments ought not to be considered. The prevailing sentiment in Germany remained revolutionary.

Heinrich Laube, formerly a radical, who after a decade of serious world observation and profound historical studies joined the national liberals, described this sentiment accurately in his book *The First German Parliament*. He tells us that, on the trip to the preliminary parliament, the patriots were scattered among other passengers on the railroad train. At Eisenach they entered a stagecoach together, easily recognizing each other by their badges reading: "Frankfort and Parliament." The company was rather mixed; Laube found himself seated with a professor, the owner of a country estate in Saxony, and a Prussian officer. Laube describes their discussion as follows: "The officer had a hard stand when he claimed with modest assurance that the regiments of the guards in Berlin had not been beaten by the mob, but withdrawn by the king, who desired to avoid further bloodshed, that the prince of Prussia had nothing to do with the matter, and that conditions in Berlin were generally

misrepresented. To make such statements at the end of March, 1848, in the presence of such people, required courage, rhetoric and education. The officer had all these qualifications to a remarkable degree, and I found his talk about Berlin conditions instructive. Although inclined to vote at Frankfort for the immediate establishment of a provisional government, if the desired German unity and liberty could not be obtained without such an extraordinary proceeding, I had closely observed political matters and events for eighteen years and my reason had grown so sober that I sought to give due consideration to the practical side of reform, as well as a thorough analysis of the plans which might reasonably be expected to furnish guarantees for a stable future. At that time I envied the intoxicated ebullient people surrounding me, and did not yet doubt that this kind of intoxication, from the noble impulse of great ideas, would remain noble and lovable. The professor, who sat next to me, was a tall man with long legs; he stepped so coolly over all obstacles that it was a pleasure to see such a contrast between gray hair and green judgment. The Saxon agriculturist, stout and good-natured, made me doubt whether I had any knowledge of political matters. He was elegantly dressed, wore a better quality of gloves than any of us and was so clean-shaven that he looked very much like one of our little noblemen.

I felt sure of him because he could sleep a good deal, during these times of great excitement, in an uncomfortable German railroad coach. My astonishment was great when I found out at the next breakfast in Schlüchtern that, with the first sip of coffee, he swallowed all the thirty-four German rulers and showed himself the best trained ultraradical. In telling us this he used a high falsetto voice. I felt that I was greatly mistaken in my conception of the whole matter if this professor and this country gentleman were true types of my *confrères;* and it then appeared to me that we were not going to a reform parliament but to a revolutionary tribunal."

Revolution was the object of the radicals, who in the "Wolfseck" at Frankfort prepared for the great battle of words in which the fate of the German Fatherland was to be decided. More than six hundred representative men were present. With the exception of the Austrians, of whom only two took part in the preliminary parliament, all the German nations were well represented, although in a very unequal ratio. There were 44 representatives from Bavaria, 52 from Württemberg, 9 from Hanover, 72 from Baden, 141 from Prussia, 84 from Hesse-Darmstadt, etc. It seemed impractical to accede to this tumultuous assemblage any real importance; nevertheless the Union assembly called the gathering a "parliament" and listened to its

resolutions. The proposals made by the committee of seven were not immoderate, but they went far beyond the limit permissible to a popular representation without instructions from and connection with the people. Not only a people's assembly was suggested, to be elected by popular vote, but also a senate of the separate states and a head of the Union with responsible ministers, in whose favor the governments would have to submit to limitation of their powers. If these proposals had been accepted, the preliminary parliament would have assumed the character of a constituted body. The fight against radicalism, which was started immediately after the opening, prevented such a mistake.

The first meeting of this remarkable gathering took place early in the morning on the 31st of March in the old imperial hall of the "Roemer." Under the leadership of the senior member, Smidt from Bremen, a president was elected. The first choice seemed to favor Heinrich von Gagern, who declined the honor, which was then thrust upon Karl Mittermaier, professor of German law at the University of Heidelberg, who repeatedly had been chairman of the Baden diet and was an experienced parliamentarian. Being a jurist, and not a politician, Mittermaier did not realize the importance of his task nor contribute to the success of the debates, although on several occasions he

could have eliminated dangerous obstacles by concentrated effort. At 10 o'clock the gathering marched in solemn procession to St. Paul's Church, which was near by and which had been prepared for this meeting because no hall in Frankfort was large enough for the purpose. Unfortunately the arrangements for this first great national meeting were not well planned. The representatives were seated in the church pews, which were accessible directly from the street, offering no protection against intruders. Above the floor of the church was an unusually large gallery accommodating 1,500 to 2,000 spectators. On a later occasion the German parliament met in the same church and repeatedly had reason to complain about the idle visitors, who not only were noisy and ill-mannered but also made it plain that they outnumbered the representatives.

Immediately after the opening of the first session eighteen members offered, through Herr von Struve, a motion containing fifteen paragraphs demanding "abolition of the hereditary monarchy and substitution of a parliament headed by a president, both elected by popular universal suffrage, all united under a 'federated constitution' after the model of the United States of North America." The preliminary parliament, which had no mandate, was to declare itself permanent and, through an executive committee, to assume the government

at once. In Baden there had been an intention of immediately placing at the nation's disposal a military force with which to carry out the reëstablishment of Germany in a republican form. Ten thousand volunteers were to appear before Frankfort in support of Struve's programme; less than two thousand actually came, and they were not suitable for a demonstration.

This republican programme, which, on the order of the day, was to take the place of the one submitted by the committee of seven, was supported by Schaffrat and Robert Blum, Saxon democrats, but was promptly rejected by the majority. It was voted down, as Karl Vogt suggested, for the purpose of leaving to a future, elected national assembly the decision about Germany's future administrative form. The general feeling, as championed by Gagern, was "that the majority would stick to the monarchy and would form an assembly which desired political liberty, and which existed for the sake of the people and the people's sovereignty, yet which would be loyal to the principle of monarchy in the state, and at the same time devoted to the creation of unity." Loud applause followed these words, but, owing to Professor Mittermaier's awkward handling, the outburst did not lead to a resolution settling the question at once by proclaiming a constitutional monarchy and so putting an end to republican agitation.

Twice during the first session there was so much excitement that it seemed hardly possible to continue debating. The first trouble occurred in the morning when Vogt tried to keep out Welcker, a delegate, claiming that he was unfit to represent the people and sneeringly calling him an "emissary of the diet." The second incident took place in the afternoon, when the president unnecessarily reported a street fight between some men from Darmstadt who favored a parliament and some Mainz republicans under the leadership of Metternich, an Israelite. A decision between the two opposing programmes was not reached, because Wilhelm Schulz from Darmstadt succeeded in getting into the order of the day enough questions to keep the preliminary parliament busy to the very end. They were: 1. Which territories of the Union are to be represented in the new constitution? 2. In what ratio should the number of representatives be to the population? 3. What kind of ballot should be adopted? 4. Where and when should the constituting meeting take place? 5. Should the meeting be attended only by representatives of the people or should the governments also be represented?

The very first debate, that about the Union territory, showed the liberals' childlike inexperience and lack of capacity for practical work. After readily admitting Schleswig-Holstein as well as East and West Prussia as German soil, doubts were ex-

6833

pressed about Posen, and thus the Polish question came up. A resolution was adopted declaring Poland's division a disgraceful act, and recognizing the German people's sacred duty to coöperate in Poland's restoration. Struve tried to prove the Germans' rights in Posen, but without success. He said: "All of us desire to do justice to the Polish people, but what is past and cannot be undone we should not attempt to undo. Such an effort would be foolish." The Germans of Posen were not invited into the Union, yet a motion was made to call in the German inhabitants of the Russian Baltic provinces. This caused Blum to exclaim: "Do you intend to start a war against the entire world?" The dogmatism of the liberals and the sentimentality of the people known in those days as all-Germans led some energetic democrats to believe that their wildest plans could be carried out.

The committee of seven proposed to have a representative for every 70,000 inhabitants, but the number was reduced to 50,000 for each delegate to the constituting national assembly. A census showed, however, that there were considerably more inhabitants than had been calculated and the ratio of those elected was really one to about seventy thousand souls. The direct ballot was adopted in principle, but temporarily the separate states were permitted to use also the indirect vote. Limitation of any kind, either by the censor or because of po-

litical or economic reasons, was rejected, and even political refugees who returned to the Fatherland were allowed to vote.

The 1st of May was fixed as the date for parliament to convene; and all preparations for it were made, except arrangements for the intervening time. The radicals hoped that the preliminary parliament would declare itself permanent; because they were convinced that they would ultimately be able to control it, since their opponents were more anxious than they to return home to their families and business. For the same reason the majority fought against this permanence. They had no desire to see a welfare committee created at Frankfort with the avowed intention of inciting revolution throughout Germany. Gagern demanded the appointment of a committee of fifty members to care, jointly with the Union diet, for the carrying out of the resolutions passed by the preliminary parliament. The permanence was rejected by a vote of 368 against 143.

During the third session, on the 2nd of April, the republicans made one more attempt to prevent the coöperation of the Union diet, hoping that the preliminary parliament's permanence would then occur automatically. They moved that "the meeting request the Union diet, before that body takes up the matter of founding a constituting assembly, to renounce the anticonstitutional spe-

cial resolutions and to eject from its midst the men who coöperated in passing and executing these resolutions." Bassermann understood that this meant to keep the Union diet entirely away from the constituting parliament and nipped the motion in the bud by replacing in the text, with admirable presence of mind, the word "before" by "while." Many prominent men spoke in favor of the Union diet as the only authorized representative of German unity. Sylvester Jordan and Uhland called attention to their positions as confidential men of the Union, though they had assumed this rank without instruction. Uhland added that the old Union diet need not be eliminated by this meeting, because that had already been done in Vienna. He said: "I believe that when spring makes the trees bud, the old leaves fall from their own accord. I joined this confidential gathering, because a few weeks ago—which now appear like centuries—it seemed to me that this was the first breach through which a popular element could join the Union. I shall stand in this breach as long as my constituents do not summon me to change, and as long as I believe that, with my small means, I can thus contribute to Germany's rejuvenation."

A large majority voted for Bassermann's proposal; and Hecker, with about forty members, left the meeting. At first this "secession" was disregarded, but unfortunately that attitude was not

consistently carried through. Some uninvited mediators facilitated the return of these radicals. Even the high Union diet met them halfway by passing, during the evening of April 2, a resolution to the effect that "the special laws and resolutions, against which the preliminary parliament protested, are canceled for all states of the Union and consequently to be regarded as completely eliminated. This resolution will be published wherever it may be deemed necessary." The president of the diet, Count Colloredo, expressed personally to the president of the preliminary parliament his conviction that the objectionable members of the diet would withdraw at once, and thus facilitate the reorganization of the Union assembly in a manner which would inspire general confidence. Prospects of defending reform's honest intentions against revolution's dark aims seemed bright, also of compromising with existing powers and strengthening them in the national interest.

Unfortunately the liberals relapsed from their firm stand for moderation, and began juggling with fundamental principles. This caused new confusion, with the most serious consequences. On the 3rd of April, after discussing "fundamental law" and some premature social-political proposals without again starting an endless debate, one of the liberal leaders, von Soiron from Mannheim, had the unfortunate idea of proposing to recognize the

"sovereignty" of the future constituting assembly. His motion read: "The meeting, disregarding for the time being the programme submitted by the committee of seven, will simply agree that the resolution about Germany's future constitution will be left exclusively to the national assembly to be elected by the people." This agreement, Soiron explained, would prove that there were no different parties among those assembled at Frankfort. The import of the motion was recognized. Even Welcker, the old theorist, warned his colleagues not to tie in advance the hands of the future parliament. The men from Hanover and Brunswick frankly confessed that they did not believe in any constitution except one agreed upon by the governments and the representatives of the people. Soiron also recognized the danger caused by the one-sided demand for the people's sovereignty, and explained that the national assembly, after adopting a constitution, could open negotiations with the rulers. Yet the fateful wording was not changed, and the resolution was passed amid cheering.

This reckless and impractical "liberal phrase" was finally victorious. Even the most honest patriots believed that all connection with existing institutions must be severed to build up a new German state on opinions and principles. They knew, as well as Welcker did, that they could not depose the thirty-eight governments, nor did they desire

to do so any more than he did; but they felt they had to "uphold the principle." That was the sickness communicated by the preliminary to the constituting parliament, which was thus predestined to an inglorious death. Indeed, this devotion to an impractical principle was the hereditary disease from which the German nation suffered and which could not be fully cured even by the great physician who finally applied the "blood and iron" cure with such splendid success.

CHAPTER II

THE DANISH INVASION AND ITS CONSEQUENCES

THE men on whose actions Germany's hopes depended had not yet returned home when they realized that, to insure the national interests, efforts would be required which could not be covered by parliamentary resolutions, but would require the honest and vigorous coöperation of all those in military power. The annexation of the duchies of Schleswig and Holstein to the German Union, which the "sovereign nation" regarded as a matter of course, would have to be accomplished contrary to Denmark's will.

King Christian VIII of Denmark died on the 20th of January, 1848. His son, Frederick VII, at the beginning of his government, showed an intention of establishing a representation by the people, based on a system which should recognize the relative importance of Denmark and his German duchies. But this proposal satisfied neither the Danes nor the people of Schleswig-Holstein. The Danish nationals, uniting all radical elements, in-

sisted on Schleswig's annexation; while all the people in the duchies were determined to continue their common constitution and not to abandon it for the most liberal concessions. Seventy members of the diet of the two duchies met on the 18th of March at Rendsburg and decided to submit to the king, through a deputation, their wishes, expressed under the following five heads: 1, The abolishing of the diet and drafting a constitution for both duchies; 2, Freedom of the press and of holding meetings; 3, Arming of the people; 4, Schleswig's entrance into the German Union; 5, Dismissal of President von Scheel, who was generally disliked. On the other hand, the Eider Danes at Copenhagen, where students armed and radicals threatened to form a republic, passed five resolutions protesting against a separate constitution for Schleswig-Holstein and demanding a liberal constitution for the entire kingdom of Denmark-Schleswig, a progressive election law and a popular ministry. When the Schleswig-Holstein deputation reached Copenhagen there was so much excitement among the Danes that the personal liberty of the deputies was endangered. The king made conciliating promises as an inducement for their departure; but as soon as that was accomplished he published the patent of March 24, decreeing Schleswig's annexation to Denmark.

The king's decision was known at Kiel on the 23rd of March. Arrangements were immediately

made to secure the independence for the duchies by self-help. A provisional government, under the presidency of Wilhelm Beseler, an attorney, of which the "Prince of Noer," Prince Frederick of Schleswig-Holstein, was also a member, assumed the "maintenance of the country's rights and those of the hereditary duke" until the opening of the united diet. This provisional government created at once a military power by taking over the Kiel garrison and, with its aid, conquering the fortress of Rendsburg. There, at the demand of the prince of Noer, three battalions and most of the officers went over to the provisional government. Within a few days the troops of all the other garrisons in both duchies followed this example. Sixty-five officers who had formerly belonged to the Danish army joined that of Schleswig-Holstein. Other officers were discharged on parole not to fight against the duchies, and still others were made prisoners of war. Many members of the diet met on the 3rd of April at Rendsburg, unanimously recognized the provisional government, and by so doing declared war against Denmark. The provisional government was also approved by Duke Christian von Augustenburg and all the other princes of Schleswig-Holstein except the house of Glücksburg, that family counting on the Danish succession. The duke of Augustenburg, who was legally entitled to the succession of the duchies after the death of

Frederick VII, did not have the courage to throw his lot entirely with the people of Schleswig-Holstein. His part should have been to pronounce the deposition of his royal cousin, who now accused the provisional government of rebellion, and insisted on annexing Schleswig to Denmark. A ducal government led by the legal heir, recognized by the diet and acclaimed by the populace, would undoubtedly have been considered more seriously by the powers. The provisional government could not deny being, to some extent, of a revolutionary character. Victory for it could only have been expected through bold and determined action. The weakest point of the national uprising in those territories "surrounded by the sea," for the liberation of which all Germany had worked harder than for anything else, was the lack of clearness about their own final aim. There was also the almost ridiculous self-deceit of claiming to act in behalf of "their duke against their king," as both were united in one person. As a consequence, there was dishonesty in the attitude of the country's parties against each other. The mistrust between the democrats and the members and followers of the hereditary ducal house lessened the power available against the common enemy and made relations with the Union and neighboring German governments more difficult.

The king of Prussia, the mighty nearest neighbor

of Schleswig-Holstein, might have brought clearness into its politics; but Frederick William IV did not have the slightest qualifications for such work. In later years the Schleswig-Holstein matter was settled and the arrangement was very much in Prussia's favor; hence one might be inclined to suspect that the king did not assist in creating an independent state under the reign of the Augustenburg House, because he preferred to annex the duchies to his own kingdom. Future events, however, failed to justify this charge. Frederick William, as is now known for certain, took kindly to the unnatural and false claim that the provisional government was really acting in the name of King Christian, the legitimate ruler, who was temporarily deprived of his German liberty through revolution in Copenhagen. This baseless phrase alleviated the Prussian king's scruples at aiding an uprising against a legitimate monarch; while it also enabled him to follow his nation's desire and to renew the prestige of his troops, which had suffered through the retreat from Berlin on the occasion of the March revolution.

Professor Georg Waitz, of Kiel, was authorized by the provisional government to negotiate with the Prussian minister von Arnim, while the duke of Augustenburg communicated directly with the king about Union assistance for the duchies. Arnim was very cautious and desired to protect Holstein only,

claiming that Schleswig did not belong to the Union territory. The king decided, however, to occupy Schleswig also when he learned that other governments of the Union, particularly Hanover, were preparing for an energetic advance and that Germany did not wish to see the two duchies separated. Duke Ernst of Saxe-Coburg, in his memoirs entitled *From My Life,* expressed the following opinion: "Frederick William would not have sent one man to the front had he not desired to make some concessions to the popular German sentiment for Schleswig-Holstein. Besides German rights there was also another reason for the declaration of war. It was just an opportune moment to give the Prussian army, and particularly the regiments of the guards, satisfaction for the unfortunate orders of March 18. General Wrangel was selected as leader of the troops because he declared, with his customary straightforwardness, that he would be impartial toward all the contending parties and only desire to maintain quiet and order in the German duchies." The king did not realize at all that through this step Prussia might attain the leading position in Germany by placing her entire strength on the side of the people and fighting with all the other German nations for Schleswig-Holstein; he was unable to recognize the seriousness of the moment and to face danger calmly or in a manly way. His national sentiment lasted only as long as it

did not threaten to lead him into danger, which was a very short time.

War between Denmark and its rebellious duchies commenced on the 9th of April. The army of Schleswig-Holstein was imperfectly organized, and was led by General Krohn, who was seventy years old. It marched beyond Flensburg to the road of Apenrade, and there suffered a heavy defeat near Bau. Prince von Noer had protested in vain against sending volunteers, most of whom had never before handled a rifle, to face the enemy. He had been indefatigable in fortifying Rendsburg and fitting out the reënforcements arriving in that city; but he could not prevent the democratic members of the provisional government, who expected great deeds from the popular volunteers, from sending them prematurely against the regular Danish army. The consequences were the defeat at Bau, the loss of Flensburg and several of the most capable officers, the discouragement and scattering of the volunteers and the capture of nearly six thousand men, about one-sixth of the fighting strength of the duchies. On the 11th of April the Danes invaded Schleswig and on the 13th they occupied Eckernförde. Both duchies lay open to their menacing forces; and the populace soon abandoned the self-defense of its rights. National enthusiasm availed no longer; everything depended on the attitude of the German governments.

Before the commencement of hostilities Prussia and Hanover made serious military preparations. Both saw in Schleswig's annexation, which had been decreed by the king of Denmark, an injury to the German duchy of Holstein, as her rights to a legal state connection with Schleswig were thus absorbed. On the 20th of March Prussia sent, for Holstein's protection, two regiments of the guards to Rendsburg under the command of Colonel von Bonin, who soon afterward became a general. Hanover mobilized a certain contingent. On the 4th of April the Union diet decided that war preparations were necessary; on the 12th it recognized the provisional government at Kiel and demanded that Denmark evacuate Schleswig. In this sense Bonin, on the 16th, transmitted to the Danish general von Hedemann an ultimatum which, if ignored, would be followed by hostilities on the part of the Union troops. The Prussian corps in the field consisted of 12,000 men and twenty cannons; the tenth Union corps, under General von Halkett, had 10,000 men and twenty-eight cannons furnished by Hanover, Mecklenburg, Oldenburg and Brunswick; finally, the Schleswig-Holstein corps, under Prince von Noer, consisted of 9,000 men and twenty-six cannons. The commander-in-chief of all these forces was the Prussian, General Wrangel. The Danes had 15,000 men and thirty cannons near Schleswig and occupied the old frontier fortifica-

tion called the Danework. Their war vessels were anchored in the river Schlei, ready to participate in the battle.

On the 23rd of April the Prussian advance guard under Lieutenant Colonel von Waldersee attacked the Danish position. Heavy fighting developed sooner than the commander-in-chief desired, and the intended movement of outflanking and encircling the Danes did not succeed. However, Bonin's flanking movement and the strong advance of the Schleswig-Holstein corps forced the Danish general to order a retreat at 6 o'clock in the evening. In the meantime the German volunteer corps under Major Ludwig von der Tann, a Bavarian, and a Prussian column under Major von Zastrow had crossed the river Schlei, driven the Danes from Eckernförde and occupied Angeln. The Danes were also obliged to vacate their position near Idstedt. On the 24th of April they were attacked by the 10th Union corps near Översee. On the 25th they surrendered Flensburg, fleeing partly to Alsen and partly to Jutland. The Prussians followed them there early in May and took possession of Fredericia, at the same time undertaking expeditions as far as Aarhus and Horsens.

Denmark was not yet obliged to sue for peace. Her opponents did not have enough troops to occupy the whole of Jutland and advance on Copenhagen. On the other hand, Denmark had no pros-

pects of recovering Schleswig without obtaining outside aid. This was readily offered by England, Sweden and Russia, whose diplomatic intervention soon deprived the German victories of their value. On the 18th of April Lord Palmerston, on the strength of a guaranty treaty between England and Denmark dated more than a century before, demanded the withdrawal of the Prussian troops and the evacuation of Schleswig. Prussia, as well as the German Union, assured England that there was no intention of taking any territory from the king of Denmark, and accepted the London cabinet's mediation to protect the state rights of Schleswig-Holstein. Apparently the Prussian king, considering the threats with which his brother-in-law Czar Nicholas tried to frighten him from aiding revolution in the Danish provinces, concluded that the English mediation offered a convenient place in which to hide without being obliged to give a direct or honest answer. Bunsen and Palmerston were near a peace agreement on the basis of a merely personal union between the duchies and the crown of Denmark; but the Danish government refused its consent to this and permitted the diplomatic squabble to continue so as to annoy King Frederick William, correctly supposing that he was not inclined toward a policy of watchful waiting but would rather favor almost any immediate action.

By firmly forbidding the attempted Danish

seizure of German territory the German governments might have contributed considerably toward a better understanding with the Frankfort parliament. But an outburst of revolution in the grand duchy of Baden aroused suspicion on both sides, and made a reasonable agreement more difficult. This Baden outbreak arose from the disappointment and injured vanity created among the radicals, who at Frankfort had intended to declare a German republic. Hecker realized that his actions in the parliament had been neither successful nor great. His own dissatisfaction was given opportunity for expression by his followers' demand that he show his importance in some other manner. The democrats, who had been in a constant state of excitement since the meeting at Offenburg took place, were ready to establish the German republic in Baden. There France and Switzerland could render assistance most quickly, and nowhere else had the ties of the old order of things been so much loosened. On the 6th of April, at Donaueschingen, there took place a meeting of armed men who threatened to move on Carlsruhe unless all the demands made by the people were complied with in twenty-four hours. The most important demand was to send away the troops of the 8th German Union corps, which had been mobilized by request of the Baden government.

At this critical moment Karl Mathy proved him-

self one of the few German liberals who realized the danger of inciting the masses through foolish and selfish demagogues. He recognized it as his duty to stand with all his might for the maintenance of state authority. After uncovering, in the chamber on the 7th of April, the criminal intentions of the revolutionary party, he, on the following day, prevented a former colleague, who was on the point of starting an armed uprising in the sea district, from leaving Mannheim and had him arrested. In front of the city hall a wildly excited throng threatened to influence the militia with its fanaticism, but Mathy declared calmly: "If I had to do again what I did this morning, I should do so even if it cost my life, for I am convinced I have rendered a service to the Fatherland." This had a quieting effect. Order and peace continued to prevail in Mannheim.

Hecker and Struve, being thus forced to abandon their activity in Mannheim, hurried to Constance, There they intended to open hostilities on the 11th of April. What occurred there, at Offenburg, Donaueschingen and around Freiburg during the next few days would have been laughable had not a noble, self-sacrificing man met his premature death. There was a republic "of one day" headed by "Statthalter Peter." There was also Hecker, in a blue blouse, a pointed hat with a cock's sickle feather, with pistols in his belt and a long sword

trailing by his side, leaving Constance with fifty men and eagerly looking for the eighty thousand to follow. Then there was Struve's capitulation, by which the Württemberg forces in Donaueschingen granted his republican "army" free departure instead of having it captured by a few mounted policemen. Finally there was in Bernau the heroic scene between Hecker and the messengers Venedey and Spatz, sent by the Frankfort committee of fifty; and there was the appearance of the Taborites on the Scheidegg near Kandern. In spite of an inclination to make fun of such scenes, one cannot suppress a feeling of sadness and anger at the thought that such a capable man as Friedrich von Gagern lost his life at the hands of such contemptible people.

Gagern was the eldest son of Hans Christoph von Gagern, an Orange statesman, and remained in the service of the Netherlands when his father and brothers returned to their German home. After a tour of inspection to the Sunda Islands he considered it his duty to serve his Fatherland when offered the command of the Baden and Hessian troops selected to subdue the guerrilla warriors. He tried in vain at Kandern to persuade Hecker to lay down the arms. Then, on the 20th of April, when meeting the rebels on the Scheidegg, he stepped once more in front of his troops and demanded peace. Hecker's men fired, and Gagern

was the first to fall in this abominable "civil war." His troops, of course, were victorious, and the guerrilla warriors fled in wild confusion. Hecker escaped to Alsace and promised to bring French assistance to the roughest of the volunteer bands fighting around Freiburg on the 23rd and 24th of April under Sigel, his former lieutenant. A German-French legion was formed near Strasburg with the connivance of the French government. It was led by Monsieur and Madame Herwegh, but came too late. When it stepped on German soil the neighborhood of Freiburg had already been cleaned up and Sigel driven away. After fatiguing marches toward Switzerland the legion met, on the 27th of April, near Dossenbach, a Württemberg company, and was scattered. Herwegh was taken disguised over the Rhine by his wife, who afterward wrote about the legion's great deeds.

While these disturbances were in progress work was commenced on the 4th of April by the preliminary parliament's committee of fifty, as well as by the Union diet's college of seventeen confidential men. The composition of the committee was unfortunate, as the liberals with strong democratic leanings were in the majority. The leaders were Itzstein, Mathy, Robert Blum, Jacoby from Königsberg, Kolb from Speyer, Soiron, Simon from Breslau, Venedey and Raveaux from Rhenish Prussia and Heckscher from Hamburg. Soiron was presi-

dent and Blum his proxy. At first only two men were admitted from Austria—Wiesner, an obtrusive talker, and Count Bissingen, about whom little has become known. On the 9th of April the Vienna contingent to the preliminary parliament arrived at Frankfort; it consisted of counselors from Lower Austria, a citizens' committee and members of the university. Six Austrians, including Baron Andrian von Schwarzer, who later became minister, and Schuselka, an author, were added to the committee of fifty. It ought to be mentioned particularly that great efforts were made to get Palacky, a Czech, for the German national assembly and that even a place on the committee was kept open for him, which shows the childish political views of those days. Another seat in the preliminary parliament was intended for Anastasius Grün, who escaped the honor by promptly leaving Frankfort.

As confidential men of the Austrian government Dr. Anton von Schmerling and Freiherr Franz von Sommaruga were added to the increased committee of seventeen. Schmerling, at that time forty-three years old, was born at Vienna, belonging to a family of officials and savants; he was an excellent jurist and, as such, had pursued an honorable career in the higher courts. For the last year he had been a member of the counselors' college, attending to finances and the improvement of the credit system.

He was a man of unusual talents and an excellent statesman. In later years, as founder of Austria's constitutional life, he was not always fortunate in his manner of creating institutions and made many serious mistakes; but during the stormy year of the revolution he was undoubtedly one of the few men who had mature and valuable views about establishing Union reform and reconciling the people's will with the rulers' rights. Upon Dahlmann, Gervinus, Zachariae and others who have left us their views of the gathering, the modest and amiable but confident demeanor of the well-bred Austrian official, who was thoroughly familiar with the principles of rational administration, made a very favorable impression.

Regarding the publication of details about the impending parliament election, the Union diet conscientiously and promptly complied with all the conditions named by the preliminary parliament, and requested the separate governments to see to it that the national assembly could meet on the 1st of May. Otherwise the diet did not make any preparations, so far as matters to be discussed were concerned, and even avoided explaining its own position toward the assembly and so creating in advance for the governments a firm standpoint in Union reform. In these questions the initiative was left to the confidential men, whose decisions, however, were not binding as far as the diet was con-

cerned. While a committee of confidential men was drafting a constitution, Schmerling called particular attention to the fact that, during the period of transition and the parliament's preliminary work, the German governments would have to create an executive power for general matters, which could be done on the legal basis of the diet's records. This judicious proposal could not be rejected by Dahlmann and Welcker; the representatives of the governments also accepted it and on the 27th of April agreed to create a central committee of three members, two of which were selected by Prussia and Austria, and the third by the other states of the Union from a list to be submitted by Bavaria.

The committee of fifty became highly excited upon hearing of this project. The constituting power of the future national assembly was considered in danger, and a protest was deemed advisable. The members of the committee feared to lose their own popularity. After the uprising in Baden had been subdued they had issued a protest against the revolters, declaring them "the German people's worst enemies, who tried to force upon Germany a state constitution, risking everything that had been gained by a long struggle and heavy sacrifices for unity and liberty." The radicals did not take kindly to this proclamation, and the committee of fifty had to suffer the disgrace of being called "tools of reaction." A vote of confidence

by the Frankfort liberals did not offer them all the satisfaction they desired; some action was needed in reply. The Union counselors, the central powers —in fact, everything coming from the governments' confidential men—had to be opposed. The governments had no longer anything to do but to act in accordance with the will of the people as announced by the liberals. This was the unalterable belief of the so-called "men of the people"; only those agreeing with this view could claim to be true sons of Mother Germania. Even Heinrich von Gagern took this stand; the motives of this politician were undoubtedly of the loftiest kind and it was one of his most grievous mistakes that he, as minister of Hesse-Darmstadt, publicly disapproved the action of the Hessian ambassador at the Union diet, who offered the proposal regarding central power. Thus the most important resolution for practical progress passed by the Union diet in those days was rejected by the very leaders of the German movement, for the sake of a mere phrase.

The popular counselors of the governments did not do any better than the liberal ministers. Among the many plans of a constitution drawn up inside and outside of Germany to facilitate an agreement between parliament and the governments, the one submitted by the committee of seventeen was probably the most useless. It was drafted by Edward Albrecht, a Germanist, and corrected by Dahlmann,

who also wrote an introduction to it. It simply proposed to change the union of states into a single monarchical state, a German empire, with an hereditary emperor, responsible ministers and two chambers, besides the following details: "In the upper house are to be seated the reigning princes or their representatives, besides one hundred and sixty-one counselors of the empire, one-half of the number to be appointed by the governments and the other half by the chambers of deputies of the separate states. The lower house is to be filled by popular and equal vote. All Germany is to form a single customs territory, with a common representation in exterior affairs, and an army in which all the officers are to be appointed by the emperor. The ruling princes are to retain their titles and the administration of their interior affairs, such as the lower courts of justice, police, public instruction, religion and the tax system as far as expenditures in connection with these affairs are concerned." The plan did not state that the new empire should be connected with the Prussian crown, but this was silently presumed.

The plan had some merit inasmuch as "Prussian predominance," through capable construction, appeared as a necessity. But a proposal that could not be discussed by most of the governments nor by the majority of the German delegates could not be suitable as a subject for parliamentary treat-

ment. Bavaria's representative withdrew when the plan was discussed by the committee. With astonishing rapidity he then submitted a counter-proposal, in the preparation of which King Maximilian II assisted personally. It commenced with the perfectly just remark that in the national parliament to be convened at Frankfort the governments of the German states had no assurance of their necessary share in the future constitution of Germany and were consequently justified in protecting their own rights by agreeing on principles upon which Union reform should be based and by submitting them in a clear and plain manner to the representatives of the people. The creation of an elective empire was called foolishness and the establishment of an hereditary empire an impossibility. The proposal also contained the following details: "The governments should form their ambassadors into a congress headed by a directorate composed, in a regular six-years' turn, of one government each from North Germany, South Germany and East Germany. The congress is to be supplemented by a national parliament composed of deputies from the chambers of the separate states and representatives of the people elected by direct vote. The separate states transfer their war and peace rights to the directorate, but retain their privilege of maintaining their own ambassadors in foreign countries. Austria's non-German posses-

sions are to be constitutionally separated from the German ones belonging to the Union, as well as Denmark and Holland from the German countries of their kings."

Other rulers also became active in national matters, and made efforts to solve the problem of the union of states. Toward the end of March Prince Albert of Coburg, consort of the queen of England, devoted his attention to the matter. He demanded a "council of princes"; an emperor elected for ten years by this council; an imperial diet of about two hundred members taken from the chambers of the separate states; an imperial tribunal to "decide all questions between the different German governments and their chambers"; a chamber of commerce "controlling the systems of German customs, transportation methods, railroads, post office and communication"; a "German war council" composed of generals from all the separate armies to organize a German army. The prince also suggested the following: "Germany is to be represented by the emperor, in whose name all affairs of the empire are transacted. He fills positions with the aid of the council of princes, but can reject proposals made by the council. A resolution of the empire can only become valid through his sanction. His ministers are the minister of foreign affairs, the president of the chamber of commerce, and the president of the council of war. These

ministers are responsible to the imperial diet. The council of princes is composed of the German sovereigns personally, or princes of their House as representatives of the rulers. This council can veto resolutions of the imperial diet and the filling of offices by the emperor. Presided over by the emperor, this council selects the members of the three chambers of the empire. The council of princes, with the emperor, selects the imperial commander-in-chief in case of war and for the duration of that war."

This proposal, which was submitted in confidence to the German courts, aroused Frederick William to an effort at composition, which is of interest not only for his sake but also for the purpose of showing the hazy and fantastic character of politics as suggested in those days, without criticism by the best trained politicians, the monarchs. The king, in general, was pleased with the proposals of the "ingenious, clever prince." Only the term of ten years was abhorrent to him; he wrote: "Should the head of the Union really be elected for ten years only, which I consider harmful, the name of emperor ought not to be wasted on him or disgraced; he should then be called regent. Even a chief elected for life could not be given the title of emperor for Austria's sake. The ruler of Austria, as 'honorary head of the German nation,' again ought to be recognized as 'Roman emperor.' That title,

however, is not connected with the position of the head of Germany. He, the 'King of the Germans,' who is to be regarded as the highest authority in the country appointed by God, is to be elected by the kings of the Union; the other sovereign princes will be requested to assent. Both could be done within a few hours; the kings and grand dukes could perhaps meet in the so-called conclave of St. Bartholomy's Cathedral at Frankfort and the princes in the choir gallery. Then the Roman emperor might be applied to and respectfully requested to confirm the election. That could be done in the same minute by an authorized archduke." The staging of the performance was perfectly arranged and the king evidently thought only of a theatrical empire. He did not think of any contrasts between Austria and Prussia, as he believed that the former would be forever satisfied with the title and costume of Roman emperor, while the latter's ruler would be the "King of the Germans." In case of "war or rebellion" in Germany he desired this "king" to be somewhat of a "dictator."

A remarkable utterance about the constitution was made by Prince William of Prussia, the future German emperor. In a letter to Ambassador von Bunsen, who while the prince was in exile in England frequently wrote to him about politics, Prince William lauded, in the so-called Dahlmann plan, "the grandeur of conception of new German con-

ditions," calling it a "masterwork of clearness, thoroughness and brevity." It was really only the hereditary empire, which, contrary to Prince Albert, he considered desirable and possible, and he was fully convinced that only Prussia could take the lead. While in England he had changed from a Prussian to a German and, as Erich Marcks expressed it, "devoted himself honestly and warmly to the powerful national movement which still permeated Germany." While criticising details, he was in favor of preserving the rights of the separate states and desired to eliminate from the proposal everything that limited the rulers' sovereignty without absolute necessity. As carried out a few decades later in the German constitution, he claimed for the emperor and highest commander-in-chief only the privilege of selecting the commanding generals, leaving to the rulers of the separate states the appointment of all other officers. In this manner Dahlmann's proposal gained more importance than the committee of seventeen desired. The prince declared that the entire proposition was based on principles on which real German unity would be accomplished.

CHAPTER III

OPENING OF THE NATIONAL ASSEMBLY

AT the request of Prussia and Hanover, where difficulty was experienced in carrying out the increasing number of elections, the opening of the national assembly was postponed from the 1st to the 18th of May. Prince Albert urgently recommended to his brother not to hold the meeting at Frankfort, but nobody seemed to share his view on this subject, and no change of location was seriously considered. Nevertheless, Frankfort was not a favorable place for an entirely unhampered development of consultations; the city was too near the heart of the revolution and the inhabitants were too closely connected with the democratic-republican movement. From the very beginning of the meeting the people were loud and even noisy in showing their sympathy for the radicals, encouraging them to commit offenses against the moderate majority, made up of people who had the earnest intention of remaining within the law and preserving decent manners. The fact that Frankfort was a free city without court society,

princely officials or court servants proved a further disadvantage; because visitors felt less personal safety, owing to the absence of sufficient military power.

The members of all the different branches belonging to the liberal party were a unit in rejecting every existing institution and basing the "constituting" on the "invention" of something new. Nevertheless the parliament started its proceedings where the old imperial period left off. On the 18th of May, at 3 P.M., all the delegates, more than three hundred in number, went first to the Roemer for the purpose of determining their order of seniority, and then entered St. Paul's Church amid ringing of bells, firing of cannons and enthusiastic swinging of black-red-gold flags. Yet these flags had been announced as the national colors by the Union and not by the people. Many of these representatives of the sovereign people may have considered themselves of the same importance and rank as the old-time electors. Indeed, the vanity of these democrats, many of whom went armed, dressed in conspicuous clothes of many colors, wearing shaggy beards and long curls, was such that they could easily compete with the most ridiculous and conceited master of ceremonies of any small princeling of the nation.

A radical sensationalist, Zitz, who was commander of the Mainz militia, convinced the parliament that it was below its dignity to answer a let-

ter of salutation sent by the Union diet. The contents of the letter did not have any particular value because at the time the diet did not make any proposition to the parliament. Had it done so, Zitz and his followers probably would have repelled any advances coming from the governments.

On the 19th of May, 397 delegates formed a provisional parliament by electing Heinrich von Gagern president by 305 votes, and von Soiron first vice president by 341 votes. Both men had, undoubtedly, sufficient ability to fill their important offices. Gagern was a statesman of good political judgment and attractive appearance; he was minister of a small state, and therefore could, without being dishonest, see in the ideal sovereignty of the people a compensation for the feeble sovereignty of his ruler. In his opening address he called attention to the fact that "Germany was willing to be ruled by the will of the people" and gave some comfort to the governments by adding that "the national assembly could obtain the coöperation of the governments of the states for the government of the country." His parliamentary experience and innate business ability facilitated the work of the meeting, which, through intentional and unintentional transgressions in motions and demands, threatened to develop into an endless debate.

There were wild proposals regarding Poland's restoration and the solidarity of the duchy of Lim-

burg; but it was again a motion made by Zitz that unnecessarily absorbed the parliament's time and patience. There had been brawls between citizens and the Prussian garrison at Mainz. When the militia under Mr. Zitz proved unable to maintain order and even opposed the regular troops, the soldiers made good use of their weapons in restoring peace. Mr. Zitz now asked the national assembly to obtain satisfaction for the citizens, and to give orders to the Prussian commander of the fortress to obey the people in his future actions. A committee was appointed to investigate the matter. The result was a thorough contradiction of the story told by Zitz, and reliable proof that not the Prussian soldiers but the citizens had been guilty of cruelties. The parliament then took up the order of the day and refused to have anything further to do with this matter. The very exciting debate of the Mainz affair not only gave Schmerling an opportunity to declare the solidarity of the Austrian and Prussian military as far as the revolution was concerned, but it also brought Prince Felix Lichnowsky, the most elegant representative of the nationally inclined Silesian conservative Catholics, on the speakers' platform in favor of the Prussian army. Prince Lichnowsky said: "At the moment when differences among German countries are supposed to have disappeared, when all of us are understood to be representing one great and common Fatherland,

the sons of one country are disgracefully accused before this meeting. The wounds are not yet healed that were received during the storming of the Danework, where Schleswig's conquest was due to the Prussian army's valor, and we are indebted to Prussian bayonets for having deputies from Schleswig among us. Perhaps one of them may succeed me on this platform and tell you how Prussian troops act, not in a foreign country as Mr. Zitz said, but in a non-Prussian part of the country." This appeal was answered by two representatives of the liberated duchies, who spoke in high terms of the Prussian troops. When the vote showed the radicals decisively beaten the majority applauded amid cheers.

There was also danger in the question whether, besides the Frankfort national assembly, other parliamentary consultations of a constitutive character should be tolerated in the separate states. The case was urgent because the Prussian government had called a national assembly for the 22nd of May to draft a constitution, and had declared that participation in both assemblies was not permitted. Not only the democrats of republican tendency but also the constitutional liberals were inclined to dispute the right of the separate states to frame constitutional laws while the foundation of the German Union remained uncompleted. Theoretically this view was hard to upset; the boundary line be-

tween Germany's privileges and those of the separate states could not be drawn theoretically when the amount of power had not been decided which the Union could exercise toward separate states. Parliamentary resolutions, however, could have no legal power to check other constitution makers. Many of those at the meeting in St. Paul's Church were aware of that fact. To avoid possible conflicts between the two assemblies, they decided to leave priority rights to future determination. Most interested in this matter were the Prussian deputies, headed by some Rhenish parliamentarians of moderate tendency, who offered the following: "The German national assembly, formed by the will and elections of the entire nation for the purpose of establishing Germany's unity and political freedom, favors the following declaration: 'All points of separate German constitutions not agreeing with the general constitution to be framed are to be considered valid only as they appear in the latter, regardless of their previous validity.'" The followers of this principle, who afterward became known as the center party, placed the demands of the desired unity ahead of all other requirements, but left details to the constitution which still had to be created. Only after its completion could possible contradictions in the separate constitutions be removed. It was not expressly mentioned that an agreement between the interested powers would be necessary.

The general constitution required attention first. A committee of thirty was appointed to prepare it. This committee included many savants—Droysen, Mittermaier, Dahlmann, Pfizer, Welcker, Beseler, Robert Mohl, Waitz and others among them—but there were few practical statesmen, ministers and administration officials. In appointing the committee attention was paid chiefly to the different parties and states. The ability to draft a constitution was presumed beyond a doubt on the part of all those representing the sovereign people, even though the delegates included Robert Blum, Prince Lichnowsky, Wigard, who was a teacher of stenography, and von Beckerath, a financier. Besides the committee on constitution, numerous other committees were set to work in preliminary investigations of proposals made by members and outsiders. There was a committee on petitions, one on international law, one for marine and defense, one for legislation, one for school and church matters, one on national affairs, one on relations between Slavs and Germans in the Austrian states, etc. The committee on business submitted, on the 29th of May, a proposal which was passed as a resolution without debate. In accordance with this, on the 31st of May, the work of organization was resumed by establishing fifteen departments and electing new business managers. Five hundred and eighteen deputies present cast 499 votes for Gagern as first president, 408

for von Soiron as first vice president and 310 for Freiherr von Andrian, an Austrian, as second vice president.

About the same time parliamentary societies and clubs were formed, which soon developed into political parties. Everything was in course of construction, and changes had to be made whenever an important question came up; but it was always easy to distinguish the principal groups. Toward the end of 1848 Dr. Eisemann reported them as follows. The "extreme right" met originally in the Stone House and afterward in the Café Milani with 40 members (22 from Prussia, 6 Austria, 7 Bavaria, 2 Hanover, 2 Hamburg, 1 Altona), including von Radowitz, von Vincke, Count Schwerin, von Beisler who was a Bavarian minister, Prince Lichnowsky, Merk a merchant from Hamburg, and Dr. Graevell from Frankfort-on-the-Oder, who had the title of *Justizrath*. This group desired a constitution for Germany which should retain the monarchical character through reform of existing Union conditions. The "right center" met first in the Hirschgraben and afterward in the Casino with 125 members (66 Prussia, 13 Austria, 11 Bavaria, 8 Nassau, 5 Hanover, 4 from the Hanseatic cities, 4 Baden, 4 Thuringia, 2 Electorate of Hesse, 2 Schleswig-Holstein, 2 Brunswick, 1 Saxony, 1 Anhalt-Bernburg, 1 Oldenburg, 1 Limburg), including most of the professors and

parliamentarians, such as Mathy, Bassermann, von Soiron, von Beckerath, Dahlmann, Droosen, Welcker, Wachsmuth, Waitz, von Schmerling and Gagern. This was the strongest party in numbers as well as in genius, and its political programme was decidedly constitutional-monarchical. This right center group was a unit against democrats and republicans, but it split when the constitution was debated, most of the members being in favor of an hereditary empire. Counted with the right center was a group meeting in the Landsberg, consisting of 40 deputies (21 Prussia, 11 Hanover, 3 Bavaria, 2 Brunswick, 1 Oldenburg, 1 Electorate of Hesse and 1 Schleswig), who withdrew from the Casino in September, because they demanded a "democratic basis" for the constitutional form of government. Among them were Sylvester and Wilhelm Jordan, Loew from Magdeburg, Loew from Posen, Count Wartensleben and Wilhelm Wichmann from Stendal, whose memoirs form one of the best sources for the history of the Frankfort parliament.

The left center originally met in the Württemberger Hof and, having 130 members, almost held the balance against the right. It soon split into smaller groups. In July the Westendhall branched off to the left, and in September the Augsburger Hof to the right. At the left the ideal republicans prevailed, while at the right the supporters of Gagern commenced to assemble in Octo-

ber. After the separation the Augsburger Hof had 40 men (11 Bavaria, 8 Austria, 6 Prussia, 3 Saxony, 3 Hamburg, 2 Darmstadt, 2 Württemberg, 1 Electorate of Hesse, 1 Mecklenburg, 1 Oldenburg, 1 Lippe-Detmold, 1 Schleswig), among the prominent ones being Karl Biedermann, Wilhelm Beseler, Werner from Nierstein, Gabriel Riesser, Robert Mohl, Fallati, Wiedenmann, Rümelin, Arneth, Würth and Laube. The Württemberger Hof had 47 members (17 Prussia, 10 Austria, 7 Thuringia, 4 Bavaria, 3 Hanover, 2 Mecklenburg, 1 Baden, 1 Oldenburg, 1 Limburg, 1 Frankfort), including Kirchgessner from Würzburg, Zell and Cetto from Trèves, Mittermaier, Giskra from Vienna, Tellkampf from Breslau. The Westendhall, from which during deliberations the Newwestendhall branched off to the right, had 40 members (12 Prussia, 5 Austria, 6 Bavaria, 4 Württemberg, 4 Hanover, 2 Darmstadt, 2 Electorate of Hesse, 2 Holstein, 2 Nassau, 1 Frankfort). Among these, Hildebrand from Marburg, Reh from Darmstadt, Venedey, Vischer from Tübingen, Raveaux and Heinrich Simon from Breslau, deserve to be named.

Views similar to those expressed by these men were held by the left, with headquarters in the Deutsche Hof. This group had 46 members (11 Austria, 9 Saxony, 6 Prussia, 7 Württemberg, 3 Bavaria, 3 Baden, 4 Darmstadt, 2 Thuringia, 1 Electorate of Hesse), under the leadership of

Robert Blum, Vogt and von Itzstein; noticeable in this group were also Schilling from Vienna, Loewe from Calbe, Nauwerck from Berlin, Wigard from Dresden, Rossmässler from Tharandt and Eisenstück from Chemnitz. They were all republicans, who claimed that the monarchical form of government could not last much longer. The extreme left with headquarters in the Donnersberg had 47 members (13 Prussia, 9 Baden, 8 Austria, 5 Bavaria, 5 Saxony, 2 Thuringia, 2 Darmstadt, 1 Württemberg, 1 Electorate of Hesse, 1 Mecklenburg). These were recruited from a lot of sensational fools, like Simon from Trèves, Zitz from Mainz, Brentano from Bruchsal and Wiesner from Vienna, besides confused philosophers like Arnold Ruge (who soon became dissatisfied and withdrew from the parliament), and consistent, pedantic democrats like Johann Nepomuk Berger from Vienna, Wilhelm Zimmermann from Stuttgart, Schaffrath from Stolpen, von Trützschler from Dresden. Here also gathered the pioneers of coarseness, like Friedrich Schlöffel from Silesia, who showed his irritability on all occasions.

Of so-called *wild men* who did not join any party, there were probably between 120 and 150, but at most of the meetings more than half of their number were absent. Among them were the deputies who took very little interest in the debating, and also men of high distinction like Uhland,

Arndt, Jahn, and Gfrörer and Döllinger the historians. Most of the bishops and Catholic priests, besides Freiherr von Ketteler, a parson, and Beda Weber, a high school teacher from Meran, were outside of the parliamentary combinations.

The customs and manners displayed in the clubs were well described by Wichmann, who wrote: "The most elegant and high-toned of all the clubs was, of course, in the beautiful Café Milani, where the finest society forms prevailed. Smoking was prohibited there and even refreshments could not be served during deliberations; but after the close of the meeting the most exquisite quality of everything was available. Less aristocratic but also in good form was the Casino. Cigars were permitted there, but the restaurant was closed during the discussions, and these, owing to the large number of members, were subject to certain formalities. At one end of the hall was a green table with newspapers and blank paper, at which were seated one of the different board members and a secretary; in front and on both sides of it were the members' rows of chairs, which were generally all occupied. The more radical the clubs, the less strict were the forms. At the Landsberger and Augsburger Hof the rattling of glasses and plates could be heard in the midst of the discussions. In the Württemberger Hof, where the members were crowded close together in a narrow hall, coats and collars were dis-

carded during hot summer evenings. To a stranger this lack of ceremony suggested rather a sociable gathering of students than a committee representing the people and including some of the highest officials in the country, deliberating about the nation's vital questions. This easy-going South German way was noticeable during discussions in most of the clubs. Everybody desiring to say something had to talk briefly from his seat, and there was no desire for rhetoric, such as could frequently be heard at the Casino, to the annoyance of most of the listeners. Different again were the meetings of the left; there the phrase prevailed and everybody tried to outdo everybody else by fine oratory. At St. Paul's Church the speeches emanating from the left were much more intended for the gallery than for the legislators, and it was the same at the group meetings. This went so far that in the Deutsche Hof for some time once- or twice-a-week public meetings attracting great crowds were held; and speakers tried to make propaganda for their party among the public, or even to arouse party enthusiasm."

Robert von Mohl described the meeting hall in the Augsburger Hof as follows: "In an out-of-the-way street, hardly eight feet wide, in the oldest part of Frankfort, is an inn of the sixth or seventh class, which was not easily discovered; and, except for the man whose duty it was to hire the hall, prob-

ably no member of the group ever saw it in daylight. There, one December evening, about 9 o'clock, several dozen men from all parts of Germany, up to their knees in snow and mud, made their way. Even an aristocratic carriage entered the narrow street, and from it alighted the minister of justice, Mohl, and two assistant secretaries of state, Fallati and Wiedenmann. During the first few minutes those assembled looked like the ordinary crowd of visitors found in a South German inn. After the guests were seated supper was ordered from a modest bill of fare, and the conversation started, changing gradually to a preliminary discussion. Suddenly the bell of the presiding officer was heard and quiet followed; cigars were lighted and delayed orders were quickly given to the waiters. Biedermann, in the chair, briefly stated the subject; the proposal intended for the session of the following day was slowly read so that notes could be taken. Then deliberations commenced in regular order, in which speakers for and against the matter alternated. About half past ten the discussion was closed; and, at the presiding officer's suggestion, two speakers were chosen to represent the views of the Augsburger Hof group at the session of the following day. If other members desired also to speak on that occasion they were authorized to ask for the privilege in the regular way. The question still remained to be settled as

to who should notify the allied clubs of the meeting's result. Volunteers quickly offered their services for the Casino and the Landsberg, and more slowly for the Württemberger Hof. The question about informing also the Westendhall was answered in the negative because it was considered useless. The volunteer messengers then took their cloaks and fur caps and started on their long, cold walk."

CHAPTER IV

DEBATING ON THE CONSTITUTION

WHILE the important committee on constitution was busy preparing a draft for such a document the Frankfort parliament did not await in idleness the result of these labors. The regular meeting of the parliament discussed some proposals considered urgent by those who offered them. On the day of definite organization, the 31st of May, the debate was about a declaration demanded by Titus Mareck, a deputy from Styria, that Germany would never aid in suppressing a foreign nationality, and that people of foreign origin living in Germany would be granted the free exercise of their nationality. The assembly was inexperienced enough in politics to accept such a senseless and useless demonstration in favor of equality, not realizing that it could not be carried out in real state life.

Among the Austrian deputies were several officers, but not a man seemed to notice that the deputation sent by the Hungarian government to the Frankfort parliament, while offering to maintain

friendly relations between the Hungarian and German states, took the dissolution of the Austrian state and the breach of the Pragmatic Sanction of Charles VI for granted. Hence Mareck's "declaration" really contained the proposition of an alliance between the new Germany represented by the "sovereign" national assembly and Hungary against the House of Hapsburg.

On the 8th of June the naval committee submitted a report concerning the foundation of a German navy at an expense of six million thalers, to be contributed by the separate states through the Union assembly. Some of the radicals improved this opportunity of preaching to the gallery, and thundered that no new burdens should be placed on the poor people; but the majority accepted the committee's proposal. The spending of the amount was left to the future central power.

The creation of a central power was obviously the meeting's most necessary task, because, without it, the parliament had no organ to execute its resolutions. Neither would there be any one to defend the national interests, as opposed to foreign states and the separate governments, unless this duty was left in the hands of the Union diet. Very few deputies were willing to make use of existing institutions until new powers could be firmly established. This was confirmed by Friedrich von Raumer, who, in a letter from Frankfort dated the

7th of June, called attention to the great importance of establishing a "closer government power," and added: "Some people claim that the proposal should not have been made; because existing means and forms suffice for the purpose, so that the preparation and adoption of a new German constitution could have been awaited. Furthermore, they feel that the forming a government of its own adds too much to the assembly's already tremendous power. These views and reasons are not entirely unjustified; but at present the temper of the meeting is such that it is absolutely impossible to make them prevail, or to avoid altogether the appointing of some government authority." The committee on constitution had already decided in the same sense, and in its name Dahlmann submitted on the 17th of June a report proposing to authorize a Union directorate to exercise the highest power in Germany until a government had been established definitely.

This directorate was to consist of three men to be named by the German governments. As soon as the national assembly consented, the appointment of the directorate through the governments was to follow. These three men were to have the executive power in all Union affairs; the highest command of the army; Germany's international representation, the decision about war and peace and the conclusion of treaties with foreign powers, in

agreement with the national assembly. This directorate was forbidden to influence the preparation of the constitution, and its existence was to end with the completion of that work. The exercise of the power of government was to be in the hands of a responsible ministry, whose members were to be admitted to parliamentary debates, but had a vote only if elected deputies. The plan was sensible and substantial, inasmuch as it recognized the existence of the three groups of German states (Austria, Prussia and the medium and small states) and strove for an aim which probably could have been attained. Indeed, this idea of replacing the Union diet by a committee of rulers and a ministry met with no resistance on the part of the leading powers in the Union; it could have been adopted without eliminating the foundations of the Union agreement.

The principle of such a combination, however, was rejected by the groups, which believed that all state institutions should be based on the sovereign will of the people. This included not only the republicans, but also those liberals who saw in the English constitution the only possible form of a constitutional monarchy. On the 19th of June, when debating began, on the committee's proposal, a majority of votes could not be confidently expected. On the first day sixteen amendments and counter propositions were offered; twenty-three

were added on the 20th of June; altogether 223 speakers were announced for the debate. The left did not maintain its unity in this debate; Blum and Trützschler desired the election of an executive committee and a president who would have nothing to do except execute the parliament's resolutions. Zitz demanded a provisional government of five persons from within the national assembly, to take the place of the Union diet to be dissolved. The right, represented by Radowitz, held the opinion that the central power should be established by the governments; because the interests of the separate states would have to be protected as well as those of the people's house representing the masses. Between these divergent views the liberals vacillated with a great variety of committees and presidents. Some of these committees were, according to the idea of Heckscher from Hamburg, to be proposed by the governments and appointed by parliament. Others, according to Schoder from Stuttgart, could be "suggested" by the governments as *Reichsstatthalter* (governors) and "accepted" by the assembly. Arnold Ruge brought some amusement into the proceedings by varying the fatiguing speeches with an exaggerated explanation of people's sovereignty, and with clownlike antics demonstrating his elated ideas about liberty. He claimed that the parliament had no right to reinstate a master, and added: "The only thing we Germans

have done so far is to overthrow the despots. What we must do now is to continue the overthrow of despotism where it still exists. What is a constitutional king, if we select a proper constitutional form? Not more than the queen of England, whose hand, if I were an Englishman, I should gladly kiss. Independent of the fact that she has been intrusted with the function of producing her successor, she has no other political privileges. We have in our midst the proof that some people believe the majority has the right to do what it pleases. That is not so and I warn the majority, if men of my view should not be in it, not to transfer the initiative to any power outside our parliament. Yet I presume that ours will be the majority, because I do not think that the parliament would undertake anything to hurt the nation's feelings. All powers outside of this hall are foreign. Here is the German nation!" By a strange coincidence this man of a disordered mind prophesied the fate of Prince Lichnowsky, who laughed at him. Ruge cried out, "The future will judge him who laughs. It is a laugh of sarcasm, but also of death."

Karl Vogt warned against the Union diet and the rulers. He said: "When the people gave up their property and blood for the liberation from French despotism, their sacrifices were not appreciated and promises were broken. In 1830, when liberty knocked at the doors and shook the Ger-

man government, promises were made once more. A few years later the prisons were filled again, and for the second time promises were broken; there was a new breach of trust. We are here to make the liberty of the people real. Shall we again be credulous? This is the third period; promises have been made again. Must we not fear that, unless we do our utmost, what has happened to us twice will occur a third time?" He concluded by using the following words of Macchiavelli: "The people often were unfaithful and so were the rulers, but never were the people as unfaithful as the rulers."

Ludwig Simon, belonging to the same party, said: "The democratic republic gives the best expression and realization to the will of the people; but it does not protect the people's sovereignty completely. There are representatives for all the people, men who speak for others, but one man is not like another. The people's sovereignty is only fully protected when everybody represents himself. This sovereignty of the people is not and cannot be formulated; it has no form. At present it would be unrefreshing anarchy; but in future it will be the finest blossom of human education." Theories of this kind were heard in St. Paul's Church, but they were not shared by the majority; the republicans did not gain any followers because their speakers either exaggerated absurdly or bored the audience. It soon became evident that Bassermann was right

in saying at the opening session: "Whenever liberty is abused, a quiet reaction takes place in people's minds, and hundreds of thousands, even millions of citizens say, perhaps not loudly: Rather order without much liberty, than such liberty without order."

The first week of deliberations drew to its close, and the victory of the monarchical principle over the republic was gained. Even Wilhelm Jordan could not prevent this, although he claimed that the monarchy was historically dead, having died of old age. The form of the future central power, however, was not yet clear. The directorate of three members, called rather irreverently the "Triumvirate of the Three Uncles," was not popular. The majority at the meeting preferred one head. It was known that the governments had already consented to the triumvirate and had named Prince William the elder, of Prussia, Archduke John of Austria, and Prince Karl of Bavaria. This fact may perhaps have caused many liberal deputies to prefer a different arrangement. Freiherr von Vincke, of the conservative group, was opposed to a triumvirate, and spoke in favor of a Union director to be named by the German governments. He had no doubt that the choice would be the House of Austria, "which for centuries had been at the head of Germany," and it could be noticed that he referred to Archduke John. His speech was much applauded; but there was only laughter when Mayor

Braun of Cöslin proposed that the central power should be transferred to Prussia.

The liberals, who had organized in both centers, felt strong enough to save Germany without assistance. They paid no attention to the Bavarian minister von Beisler, who advised them to work in harmony with the governments; nor were they impressed by Mathy's very statesmanlike proposition to continue during the interim the Union diet as a "Chamber of States" in order to uphold the connection of the old régime with the future constitutional Union organs. The majority seemed to be thinking of a democratic show rather than of the real working powers in the states, and at the instigation of Raveaux, did homage to the French republic, at the same time accepting the view that "the consolidation of the most varying amendments," including an understanding between people and rulers, might lead to an agreement.

Finally, the idea of a triumvirate was abandoned; and the chief remaining question was whether the man to hold the central power should be a prince or a citizen. The Coburg representative wrote on the 23rd of June to his duke: "If a prince, indications point to a future emperor; if a citizen, to a future president. That is perfectly clear, but, whatever reasons may be submitted for or against the matter, the decision of the majority is made; Austria, Prussia and Bavaria will unite against a republic in

favor of the provisional prince, as the only hope of the monarchy." It was only necessary to find a formula under which the various groups of the liberal majority could vote for a prince without hurting their democratic principles. This was attended to on Saturday, the 24th of June, by Heinrich von Gagern, who turned the chair over to von Soiron and made the celebrated speech which led to the close of the long and confused deliberations.

Gagern said he did not deem it necessary to call particular attention to the legality of the central power, and devoted only a few words to the participation of the governments in its creation; he tried to promote an agreement between the parliament and the rulers by proposing the name of a princely candidate who could not be rejected. At that moment he deemed it most important to obtain the approval of the liberal parties by recognizing the sovereignty of the people. For that reason he made a concession to the left in the main point of his speech as follows: "Who shall create the central power? I should regret if there were a principle forbidding the governments to have anything to do with this matter; but, from a practical standpoint, my view differs greatly from that of the majority of the committee. I am taking a bold step by telling you that we must create the temporary central power ourselves." This sentence was followed by cheers, which proved that the vast ma-

jority of those present gladly accepted it as a means of quieting the political conscience and as a basis for a compromise. Eager attention was paid to the speaker's further words: "As we now desire one man at the head instead of a triumvirate, we ought to choose one of lofty position who has shown himself worthy. There is no private citizen who, under these circumstances, could fill the place, as perhaps some of you, or even some of the parties, may have believed." In saying this he declined to be a candidate himself, although some of the delegates desired to elevate him to the position. At the same time he prepared the candidacy of Archduke John, whom he considered most suitable in every respect. Continuing, he said: "Nobody can accuse me of having abandoned the principle of the nation's sovereignty by expressing the opinion that the lofty individual ought to be a prince; even the left can agree to this, not because of, but in spite of, his being a prince."

Dahlmann at once tried to open a way for the formal motion by making, in his own name and that of eight members of the committee on constitution, a change in the majority's original proposal in replacing the word "directorate" by "regent" (*Reichsverweser*). The left, however, protested against this change in the regular order of business, and made it clear that the fight against the monarchical principle had not yet been abandoned. Never-

theless Gagern's proposal was sure of a majority of votes. It was the only possible solution, and in that sense Schmerling wrote to Vienna on the 26th of June that, in his opinion, nothing better could be done to protect the governments' rights. He also mentioned that this state of affairs was due to the general mistrust against the governments and "an exaggerated idea of the national assembly's power." Like many others, he blamed Gagern for not having, at the close of his speech, at once proclaimed the archduke as regent, and called for an unprepared vote when he was absolutely sure of a majority. This he considered a step which "could have been legalized afterward by the consent of the various governments." But Schmerling's view was wrong. The young parliamentarians in St. Paul's Church had too much respect for parliamentary rules to submit to such an evident infraction of the order of business. Even the members of the Casino group, who were stanch friends of the monarchy, would never have consented to the creation of a central power by acclamation.

During the night of the 25th to the 26th of June the party in favor of Gagern's proposal, about three hundred deputies, held a private preliminary meeting, although, as Haym reported, not without some "internal squabbles about motives." Dahlmann advised once more that they should maintain harmony with the governments, saying that it was

better to drop the president of the assembly than the assembly itself. His words were backed by Welcker; and Beckerath and Bassermann claimed that "by this selection the governments would be saved from embarrassment and that it would be much easier to obtain a regent by their own election than by the troublesome agreement of the governments." On Monday, the 26th of June, began the debate about putting the question, which, through the left's opposition to the introduction of amendments, took a tumultuous turn. The liberals also became excited about the question of the regent's "responsibility"; and on the 28th of June they gave the republicans another opportunity to attack the monarchical majority, but that majority always rallied and finally passed the law governing the central power.

The following were the principal paragraphs of this important law: 1. A provisional central power for all common affairs of the German nation was created, to last until the definite establishment of a government power for Germany was completed. 2. It had the executive power over all affairs concerning general security and welfare of the German Union, the highest command of the entire military strength with the special duty of appointing commanders-in-chief, and the duty of representing Germany in international and commercial matters as well as appointing ambassadors and consuls for that

purpose. 3. The construction of the constitution was not included in the work of the central power. 4. In conjunction with the national assembly the central power was to decide about war and peace as well as about treaties with foreign nations. 5. The provisional central power was to be intrusted to a regent to be elected by the national assembly. 6. The regent was to exercise his power through ministers appointed by him and responsible to the national assembly; all his orders, to be valid, must be countersigned by at least one responsible minister. 7. The regent was not to be held responsible. 13. As soon as the provisional central power went into effect, the Union diet was to cease to exist. 14. As far as possible the central power, in executive matters, was to consult with the plenipotentiaries of the separate governments. 15. As soon as the constitution for Germany was completed and put into effect the activity of the central power was to cease.

In his letters to the *Schwäbische Merkur,* a newspaper, Gustav Rümelin described with remarkable clearness the character of this law and the manner of its conception, as follows: "Like the present Germany it is a mixture of republican and monarchical elements, the latter largely predominating; like all our affairs, it is in the balance between a revolutionary and a lawful attitude; it truly reflects the present, an interim whose power and existence depend entirely on future events known

to nobody and beyond the power of anybody. In the excited Southwest Germany it will make an unsatisfactory, in Austria a very favorable, and in Prussia, at least, a not unfavorable, impression. The attitude of the entire meeting, as well as that of the various parties, is demonstrated more clearly and sharply through these ballots than ever before. The entire assembly has been pushed decidedly further toward the left than it was before. More than 400 votes were cast for the exclusive privilege of the assembly, which only a week ago appeared as an extreme proposal of the left; more than 500 rejected the proviso of an agreement with the governments and thereby abandoned the theory of a compromise. The extreme right, which maintained this standpoint, does not count more than thirty members. The left, which, by rejecting the entire law as too monarchical, clearly demonstrated its republican character, has about ninety votes. The other eighty who voted for a president desired to protect the republican principle during the interim without being decidedly opposed to a monarchy. These are the votes of the so-called 'moderate left.' The further 100 votes desiring that the central power should execute only the assembly's orders, and that the assembly should retain unlimited sovereignty in every respect, even if only for a moderate use, form the left center. The 270 votes cast against this paragraph form the right

and are a strong group." The final vote on the entire law showed 450 in its favor and 100 against it. At roll call it was seen that, among others, Giskra, Raveaux, Reh, Heinrich Simon and Th. Vischer, of the left center, voted with the Donnersberg and Deutsche Hof groups. On the other hand, of the Deutsche Hof group, which as a whole voted "yea," several members, including Hans Kudlich, Loewe from Calbe and Moritz Mohl, were missing.

On the 29th of June the regent was elected. 548 members were present and Archduke John received 436 votes. The 27 extreme radicals did not vote because they did not wish to elect a man who was not held responsible. Thirty-two were cast for Johann Adam von Itzstein. This demonstration was gotten up by Blum and Schaffrath; among their followers were Wilhelm Jordan, Rossmässler and Vogt. There was more decency in the 52 votes cast in favor of Gagern by people who desired to express their suspicion against the historical monarchy. Gagern was in high spirits when he announced the result of the election as follows: "I hereby proclaim John, Archduke of Austria, as regent over Germany. May he preserve the love of our great Fatherland which he has always shown. May he be the founder of our unity, the preserver of our national liberty and the restorer of order and confidence." These words were followed by three cheers, in which most of the gallery visitors joined.

Then came ringing of bells and firing of cannons. Many patriots felt their hearts trembling and some even shed tears in the belief that they had really given the Fatherland the long-desired leader by placing a new Rudolph at the head of the rulers.

In later years several attempts were made to deny the popularity of Archduke John and to dispute also the sincerity of the joy with which the announcement of his election was received. Duke Ernst, who was frequently talked about and considered himself an exceptionally important person, denied that there were any cordial relations between John and the German people, and characterized as entirely "artificial" the satisfaction reported in the newspapers about the election of this prince from a House which had not enjoyed much German sympathy of late. He wrote: "Even at Frankfort the joyful excitement started only gradually and it was said that many toasts were required to make 'John without a country' very popular among his constituents. Gagern, whose bold step, or misstep as some people called it, was responsible for the success, kept very quiet for the next few days and replied to all compliments in a dignified but cheerless manner."

It is hard to believe that this is a correct description of Gagern's feelings; because his father, Hans von Gagern, greeted the elected regent with great joy. This statesman had been on friendly terms

with the archduke since the Vienna congress and, in trying to make him accept the regency, wrote on the 30th of June, 1848, from Hanau as follows: "Your Imperial Majesty is not called upon to lead armies with youthful strength; that is not the intention. Confidence is felt in your devotion, ability and long experience. You will not stand alone; many clever minds, also among Austrians, can serve you as ministers and counselors. There is much excitement; monarchical and republican elements, not suitable for us, are scattered all over Germany. These you are expected to straighten out; for that purpose you are called and desired by a great majority determined to stick to you. I hinted before at the calm greatness of your name and person in history, not counting any power of your own nor any—pardon me—brilliant achievements. Homage is paid to your firm and tried character."

Similar ideas were expressed by Laube, who afterward became a champion of the Prussian hereditary empire, so was absolutely impartial in describing the sentiment with which the German people received the archduke's regency. He delved deeply into people's souls to discover the impression made current by history and legend about John; and here is his report: "As a young man Duke John took part in the war, where natural ability counts above anything else and where he associated with

the healthiest mountaineers with whom he defended the Fatherland, man's most natural requirement. Emperor Francis was jealous of each of his brothers who distinguished himself. He tried to keep them down and forced the gifted one into smaller circles. Amid such limitations the personal worth grows; the people, always guessing such secrets, devoted double attention and affection to such a hermit as John became amid the Alps. Germany was longing for a human heart at the height of the state, a man of lofty position, who, even during a period of hostility toward princes, could disarm democrats by his past, by his character and by his affable manner. The tension was so great that even monarchists recommended his election; because his personality seemed to represent the only possibility of saving the historical monarchy. Everything in him seemed predestined for the position. His wife was the daughter of a postmaster; and this, which once may have caused the archduke great trouble with the imperial House, was now a high recommendation for the people. The House of his ancestors had placed the principle of matrimony above that of rank; and he gave legal sanction to this human feeling, the family sentiment, which should be the same in prince and beggar. His son, the popular count of Meran, was a child of the people. A religious sense of equality for all men ascended the chair of the German regency with him; and all

parties, except the abstract republicans, gave him a rousing welcome."

That the announcement of his election by the nation's representatives was received with joy is an unalterable fact, although there was afterward disappointment about his unsatisfactory management and lack of success. His fate was bound to be the same as that of the national assembly, which believed that it could provide him with power and greatness. The position held by Archduke John was so peculiar that he could not disappear from the world's theater simultaneously with those who had put him there. The most painful part of what he sacrificed to the German people was to decide between his duty as a Hapsburg and a German prince, on the one hand, and that which his constitutional office placed on him, on the other.

The Frankfort parliament, having accomplished this really noteworthy work in establishing a temporary central power, now commenced its work on the constitution. It first considered the laws covering this temporary central power. The demands thus made on the self-denial of the German governments were very far-reaching, even enormous. The supposition that the great and medium states would place their military power at the disposal of an authority appointed by the national assembly was based on a greatly exaggerated idea about the parliament's power. A good many of the deputies,

like Friedrich von Raumer, were aware of the fact that the mere construction of a power and the appointment of a regent "did not do away with the difficulties which had permeated German history for centuries and did not straighten out the relations between the emperor's power and that of the other rulers, between the empire and the separate states." Nevertheless, the two great powers, on whose attitude the other German states necessarily depended, did not reject this provisional arrangement. They even facilitated its operation; because they were still in a revolutionary state and did not wish to add to their complications with interior and exterior enemies, by opposition to resolutions passed by the Frankfort parliament. This parliament had been created with their consent, the members having been elected according to the regulations of their administration organs.

Quiet was momentarily restored in Austria about the beginning of April, but it soon disappeared again and conditions prevailed which, not only according to the radicals' views but also in the opinion of the ruler and his advisers, made the crumbling of the empire look like a possibility requiring attention. The monarchy's best army, under Marshal Radetzky's command, was fighting against the Lombards and Venetians, who had revolted against Austrian rule, and also against King Charles Albert of Sardinia, who had declared war

on Austria on the 23rd of March. The victory at Santa Lucia on the 6th of May, although stopping the Italians' attack, did not yet determine the final result of the war. England made energetic efforts at mediation, but in doing so expected Austria to make great sacrifices. Greater danger than the secession of the Lombard-Venetian kingdom, which would not have changed the foundation of the Hapsburg power, threatened Austria through Hungary's unmistakable intention of severing her connection with the other possessions of the ruling House. This programme was represented by Louis Kossuth, whom Count Batthyanyi was obliged to admit to the first constitutional ministry, and who had sufficient power to declare, without being punished or even reprimanded, that the existence of the dynasty depended on a movement of his hand. The old imperial diet had been closed on the 10th of April by the emperor-king personally, after he had established a new election law giving the vote to about 1,200,000 Hungarians, and had temporarily reformed the constitution of the districts on the basis of a compromise between the small landed nobility and the town communities.

The news about the newly established form of the German central power aroused far more interest in Berlin. On the 23rd of June Count Alexander Schleinitz, who for a few days had charge of Prussian foreign affairs, told Count Ferdinand Trautt-

mannsdorff, of the Austrian legation, that the exclusion of Prussia from the temporary regency would probably have an unfavorable effect on Germany's prospects, and that it might therefore be necessary to withhold Prussia's consent to the archduke's election. This opinion was also expressed by David von Hansemann, who on the 20th of June succeeded Camphausen as leader of the Prussian government; he connected the archduke's election with the "intrigues of the revolutionary movement," which intended to create discord between the courts of Vienna and Berlin for the purpose of overthrowing them both. On the 30th of June, however, Archduke John was informed that Prussia also consented to his election. Prussia's deciding step was taken at Frankfort by one of her delegates, von Unruh; he, on the king's authority, signed the letter of greeting sent by the German assembly to the regent after his election. In this matter King Frederick William IV overruled his ministers; he recognized the fact that opposition to the installation of the regency, a form of government desired by a great majority, would be a political mistake, which might cause him great difficulties in his own state through the Prussian national assembly. The king shared Schmerling's opinion that the governments could best promote their interests by authorizing the archduke to accept the parliament's election. That was the only way of keeping

the Union and the rights of the governments in existence.

For expressing the governments' approval Schmerling selected the extremely desirable form of another letter of greeting, which the Union diet sent to the archduke on the 29th of June. It contained the following sentence: "The assembled plenipotentiaries of the German governments find particularly great satisfaction in assuring Your Imperial Highness that, prior to the close of the debate about the formation of a provisional central power, they were authorized by their governments to declare themselves in favor of the election of Your Imperial Highness to such a great office." On account of this declaration the Prussian ministry of Hansemann-Auerswald lost its most celebrated member, Rodbertus-Jagetzow, who was an authority on national economy. He approved the unlimited recognition of the German national assembly's resolution, and consequently Prussia's subordination under its sovereignty. But he went further and considered it necessary to obtain the consent of the Prussian national assembly, which, in his opinion, should exercise the sovereignty in common with the king. Hence he retired, because he could not enforce the recall of Unruh, "who had anticipated the decisions of the government and the people."

Von der Pfordten, the Saxon minister, spoke for the German middle states; his particularistic ten-

dency was undoubted. On the 1st of July he notified the archduke that his government was satisfied with the election and justified his step by adding that the Union diet could no longer exist in its previous form, and that its place now ought to be taken by a states chamber in which each German state would have one vote. He also suggested that a trio consisting of the regent, the responsible ministers and the states chamber might be the means of forming Germany's future constitution. Consequently, he said, the governments desired urgently that the archduke would not decline to accept the election, the letter of greeting having been signed by the ambassadors under the impression that the archduke would accept only with the consent of the sovereigns.

The most important document of all was a letter written personally by Frederick William of Prussia and delivered personally to the archduke in Vienna, on the 5th of July, by von Below. In it the king stated, with his customary exaggerated mode of expression, that the choice of the German national assembly coincided with his wishes, but that "in itself it was absolutely void." Nevertheless, in order to do all he could "to preserve that which is good in the unprecedented event," he "most solemnly gave the archduke his vote as a princely member of the German Union to be the regent of rights and power vested in the Union diet." He added

that he gave John such authority as might be compatible with the Prussian and monarchical German independence and congratulated Germany on John's willingness, when authorized by his imperial nephew, "to represent the much-needed unity of Germany until it pleases God to make Germany's rightful authorities agree on forms and systems which will promise our incomparable, but at present greatly endangered, common Fatherland a beautiful future full of blessings and honor." The king, however, made it a condition of his consent that the archduke should state solemnly, as soon as possible, that he never would have accepted the office of regent from the hands of the "unauthorized Frankfort assembly" alone.

John did not agree to this condition. Wessenberg expressed on this point the following justified opinion: "The king suddenly demands the impossible; why did he not protest sooner against the national assembly's competence?" Archduke John called the letter "sharp" and did not feel entirely free from suspicion against Frederick William. For that reason he did not make use of the invitation to visit Potsdam or Berlin on his way to or from Frankfort. The customary intimacy of communication, however, seems to have been restored at a personal meeting in Cologne. And so the last of the Germans accepted John's temporary regency.

CHAPTER V

INTERNAL DISSENSIONS

IN the Austrian imperial family the election of Archduke John caused joy and satisfaction. Most of the imperial family had been compelled by the Austrian uprising to withdraw from Vienna, and John was there upholding the family cause. Hence his relatives at Innsbruck were somewhat reticent about the new turn of affairs, because they appreciated the importance of John's increased power in matters regarding their own House and state. Archduke Franz Karl wrote, on the 5th of July, that he could advise neither the emperor nor John to accept the election, but would have to leave the decision in this case to the latter's own judgment and conviction. On the 8th of July John answered that he had decided to accept; but his full reply was sent on the 13th of July from Frankfort. He explained that " for a long time he had been destined for Frankfort and felt, therefore, justified in accepting the election; and that he also considered it his duty for the sake of Austria and the German princes, because the call of a great, responsible peo-

ple, recognized by the rulers, could not be rejected." In the meantime, on the 11th of July, the emperor's consent was also officially pronounced, and on the 17th of that month Archduke Franz Karl thanked John, "deeply touched and glad," for the explanation sent him and for the "cheering news that John accepted the election as regent in the interest of Germany and, with God's help, also of Austria, although his absence would be deeply felt in Vienna." How to replace him there seemed indeed a difficult problem, and the return of the imperial family to Vienna became again a subject of lively discussion. John was very much in favor of it, but agreed to remain in Vienna long enough to open the Austrian diet and reorganize the ministry. For a short time it was considered possible that he might represent the emperor in Vienna and simultaneously be regent at Frankfort. But after talking at length with the parliament's deputation about his new duties, the archduke realized that this was not feasible.

This deputation, which visited John in Vienna, was headed by the second vice president of the assembly, Freiherr Victor von Andrian; the other members, Raveaux from Cologne, Heckscher from Hamburg, Francke from Schleswig, von Saucken from Tarputschen in East Prussia, von Rothenhan from Munich and Jucho from Frankfort, represented not only widely separated German localities,

but also opposing parties. Their trip to Vienna, according to Heckscher's report read in parliament, resembled a triumphal procession. In simple words the archduke gave his consent to act as the choice of those who represented the German people. His journey was the signal for every one to do homage to the representative of German unity and the opportunity was improved by all classes, including rulers and government officials.

The itinerary, over the new railroad, included Breslau, Dresden, Leipzig, Halle, Erfurt, Weimar and Eisenach, bringing the regent and his party on the 11th of July to the seat of his new activity, where, amid firing of cannons and ringing of bells, he was received by the president and fifty members of the national assembly. This honor was accorded him despite the fact that in the discussion of the celebration Ludwig Simon had demanded in open meeting that John should enter unaccompanied, so as to recognize the sovereignty of the people as represented by those present. On the following day John appeared in St. Paul's Church and was formally saluted by Arndt as the oldest deputy present, and by Heinrich von Gagern as elected president of the national assembly. The regent solemnly promised to respect the laws about the provisional central power.

Accompanied by many of the deputies, the regent then went from the parliament to the Union assem-

bly, where twenty-one ambassadors from the German governments handed him the signed record of their closing activities. It confirmed the regent's election by the national assembly, "and consequently by the representatives of the German people," acknowledged that the work of the national assembly, on the whole, corresponded with that previously done by the Union assembly and concluded by saying: "In the name of the German governments the Union assembly transfers to the provisional central power the exercise of its constitutional functions and duties. They are placed in the hands of Your Imperial Highness as German regent, in the sincere hope that great success will be achieved for Germany's unity, power and liberty; that order and law may again prevail in all parts of Germany; and that the German people may permanently enjoy the blessings of peace and harmony. The German governments think only of the people's interests and cheerfully offer to coöperate with the central power in all efforts to maintain and improve Germany's power abroad and at home. After stating these facts the Union assembly considers its work completed and the ambassadors once more express their personal homage to Your Imperial Highness, the German regent."

The archduke replied: "I assume the functions transferred to me by the Union assembly, heretofore constitutionally held by it, and I trust in the

coöperation of the governments." What had thus been accomplished was: 1. The former management of the common affairs of the German states as authorized by the Union acts of the 10th of June, 1815, was put out of power. 2. The national assembly, elected in coöperation with the governments, was recognized as an organ to draft a new constitution which would take the place of the Union acts. 3. The governments had confirmed the provisional central power and its representative, the regent. 4. A promise had been given by the German states, through their authorized ambassadors, to coöperate with the central power in specifically mentioned efforts. The wording of a declaration, dated the 12th of July, 1848, which ought to be regarded as a constitutional document, shows that, on the other hand, the governments intended to judge for themselves whether these efforts "maintained and improved Germany's power abroad and at home. This independent intention could also be seen from the system of state sovereignty, which remained unchanged in all the German states.

Among the first government tasks awaiting the regent was the appointment of a ministry, as a necessary part of the provisional central power. The first list of ministers, which the archduke made out in accordance with his own desires before leaving Vienna, contained the following names: Wessenberg, foreign affairs; Gagern, interior; Schmer-

with Prussia. He conferred with Gagern in Frankfort, and from there he wrote: "My presence here was required for the purpose of securing the consent of the Prussian government and people to some measures which will be discussed in the near future. It was presumed here that many things could be carried through, if recommended by me, owing to the confidence placed in me by the country, the government and probably also by His Majesty the king. For such a purpose I could be used and also abused. Sharing that opinion to a certain extent, I was very anxious to be neither used nor abused, all the more so since the assembly, impressed by the success of the 'bold step' they have already taken, shows an overwhelming tendency to start governing on the basis of the new central power. Hence I anticipate matters which may be injurious to Prussia's interests. Among them I may mention the possible rejection of a truce with Denmark, the demand for immediate abolition of diplomatic relations with other countries, and interference in the command over fortresses and the army."

On the 16th of July Frederick William wrote to Camphausen regarding his refusal to serve: "Dearest Camphausen, you declined at Frankfort a high and extremely important position. I am now writing for the purpose of proving to you that it is your sacred duty as a German, and particularly as a Prussian and as my friend, to accept the post of presid-

ing minister of foreign affairs. Without any preliminaries I will tell you what General von Peucker did, to whom the archduke's offer of a position as minister of war was entirely unexpected. Like a solitary gabion he took his place in the breach, because his refusal would have been incalculably dangerous to us. That is the proper spirit in which every true Prussian must receive such offers, and this immortal glory I also desire for you and, through you, for us." Camphausen did not change his mind; he wrote: "I should not like to be the cause for new bold steps, nor the gabion that may be upset by the first shot." At the same time he expressed his willingness to go to Frankfort as a Prussian plenipotentiary, and the king accepted this offer, having in the meantime written to the archduke regent about the formation of a ministry and expressed his regret about Camphausen's refusal with the remark that he would try one more effort to make him reconsider. The king added: "It would give me much pleasure if I should soon be able to report to Your Imperial Highness at Vienna a result of this step desired by both of us. Even if that should not be the case I have no doubt that I could indicate to Your Imperial Highness a man for this important post, in the firm belief that he would be equally satisfactory to both of us. Your Imperial Highness will feel with me that the refusal of General von Schreckenstein was fully justified

by the importance of his position here, from which he cannot be spared. All the more willingly I am satisfied with the selection of General von Peucker, who has my full confidence, as temporary minister of war." Ten days later the king withdrew his offer of recommending to the regent a presiding minister, leaving the selection to him, "firmly convinced that he would fully consider their joint interests in working for one aim—the strengthening of Germany."

The matter had already been decided; on the 15th of July, besides Peucker, Heckscher, a deputy, and von Schmerling, the Austrian plenipotentiary, entered the temporary ministry, which had to transact all business until the regent could return from Vienna. Schmerling's personality was imposing. No politically prominent Prussian, nor Freiherr von Stockmar, the Coburg statesman whose name had been mentioned in connection with the position, could compete with him. On the 9th of August the complete ministry was introduced to the parliament. The president was Prince Karl von Leiningen, with whom the British prince consort Albert once exchanged opinions regarding the German constitution. Schmerling had charge of the interior, August Heckscher the foreign affairs, Robert Mohl the department of justice, Hermann von Beckerath finances, Senator Duckwitz from Bremen commerce, and Peucker war. They were assisted by

the following undersecretaries: for the interior, Joseph von Würth from Vienna, and Bassermann; for foreign affairs, Ludwig von Biegeleben from Hesse-Darmstadt and Max von Gagern; finance, Karl Mathy; justice, Christ Widenmann from Düsseldorf; commerce, Professor Foillati and Gustav Mevissen, a Cologne merchant.

Ambassadors to foreign courts were also appointed, in the first place for the purpose of announcing to foreign governments, according to diplomatic custom, the regent's advent. Freiherr von Adrian went to London, Friedrich von Raumer to Paris, Welcker to Sweden, von Rothenhan to Brussels, Raveaux to Switzerland, and Heckscher to Italy, after a short career in the ministry. It was known that the czar would not receive an ambassador, whoever he might be; nevertheless, on the 21st of August, Heckscher assured the national assembly that "preparations for a mission to St. Petersburg were also under way."

Foreign countries showed little confidence in Germany's new political era, and made the work difficult for ambassadors through lengthy negotiations about the form of their reception by the rulers. In most countries they had to be satisfied with making the mere announcement of an accomplished fact.

Raumer's letters from Paris made it clear that he was nowhere treated like the representative of a

European power, but was simply shown the consideration due a savant. Jules Bastide, French minister of foreign affairs, to whom Raumer paid his first visit on the 27th of August, said: "We are glad to see Germany's new development; and we desire close, permanent, friendly connections. We shall never interfere with the interior affairs of our neighbor country, leaving it to Germany to shape her constitution and administration as she pleases. The European states, however, have not yet arrived at a uniform view about their relations with the new central power; and since we are, and for many centuries have been, bound to the separate German states by many friendly treaties, we can say a last and deciding word only after making further inquiries which will enable us to state our opinions frankly and definitely." On presenting the regent's letter to General Cavaignac, president of the French republic, Raumer was told by this gentleman that the acceptance of the letter must not be regarded as the beginning of official relations, but only as a preliminary action. That status was not changed up to the time of Louis Napoleon's election. As for Russia, Czar Nicholas had considered the mere formation of a German national assembly a revolutionary act. He did not recognize the provisional central power at all, and in reply to the "regent's" personal letter he wrote to the "archduke of Austria," whom he congratulated on his intention of

using his newly acquired authority for the purpose of stopping the progress of the revolution.

From other sources also difficulties harassed the new government. Its immediate expenses and those of the national assembly were covered by the amount inherited from the Union diet (75,159 florins in the matriculation fund and 2,789,517 florins in the building, provision and reserve funds of the Union fortresses), and by other matriculation dues, which were still coming in. The budget for 1848, however, required 10,483,766 florins. Before settling this important problem the national assembly took up the debate about flag and escutcheon, previously conducted by the Union assembly. The black-red-gold colors were adopted, and for the escutcheon a double eagle with heads turned in opposite directions, red tongues sticking out, and golden beaks and claws. Even this much was not accomplished without lengthy debates and speeches. As a distinguishing mark of belonging to the German army, the Union contingents were directed to wear on their hats a black-red-gold cockade. This decoration and the raising of the flag were ordered simultaneously by Minister of War von Peucker, in a most unfortunate decree, dated the 6th of August. By this decree he summoned all Union troops to parade and to cheer for the regent as commander-in-chief of the German war power. The command came without any previous preparation, and its re-

sult was contrary to what was expected or intended. Instead of showing the unity of the nation, it revealed the disintegration of the German power of defense. Not the authority but the weakness of the central power was made clear to the entire world. Both Austria and Prussia ignored the decree; their soldiers did not wear the Union colors above those of their own kingdoms, in fact they did not parade at all. Neither did the troops of Bavaria and Hanover. Only the middle and small states obeyed; so that their few troops alone formed the fighting strength at the disposal of the new ministry.

The impression created by this disobedience and ostentatious indifference toward the new common government could not even be eliminated by the national celebration which followed. This was occasioned by the 600th anniversary of laying the cornerstone for the Cologne Cathedral. On the 14th of August, 1248, Archbishop Konrad von Hochsteden had "assembled princes and people, in whose presence he laid the first stone for the lofty cathedral, the like of which does not exist among all structures on German soil." These words were called to mind by a deputation of the cathedral building society that on the 11th of August handed to the national assembly an invitation to be in Cologne on the 14th of the month, "for the purpose of sealing the eternal ties which henceforth

should hold together Germans from all parts of the country and their rulers, for mutual protection." The address closed as follows: "Esteemed Gentlemen, do not disdain to interrupt your great day's work for a short time. Take the country's august regent into your midst and the waves of the German Rhine will carry you quickly to the walls of our city. Here you spend the day and, after repeatedly shouting, 'A strong and united Germany!' you return with God's aid to the more serious labors of your calling." The invitation was not disregarded; the regent, his ministers and many others with their families took the trip down the magnificent Rhine amid constant cheering. Wichmann, who like all those who participated in the festivities retained the most pleasant recollections, wrote: "Even the greatest pessimist was bound to feel that the idea of the Fatherland's unity, greatness and power lived deep in all the people's hearts, and that the prince who could comprehend this sentiment would at some future time surely rule over all Germany."

The king of Prussia arrived at Cologne on the evening of the first day of celebration. He was in bad humor, owing to the demonstrations of some radicals at Düsseldorf, who had disturbed the cordial reception tendered by the populace. The archduke regent met him on his arrival on the bank of the Rhine, and this pleased the king greatly.

Nevertheless he was not yet in a festive humor when, in reply to Gagern's address, he said to the deputation of the national assembly: "You may rely on it that I shall never forget what a great work you are destined to establish; and I am also convinced you will never forget that there are rulers in Germany and that I am one of them." The liberals considered this a rejection of their claim of the people's sovereignty, and from that moment assumed a reserved attitude toward all the rulers present. Their representatives in the ministry urged the regent to wear civilian clothes when receiving the king, as he had done on the previous day when he had entered Cologne on foot, thus causing great joy to the inhabitants. Archduke John knew, however, that Frederick William, after sending the flags of the 16th regiment of infantry to his quarters in the home of Governor von Wittgenstein, desired to salute him as commander of that regiment, and he was determined, in meeting the king, to observe the forms agreed upon among princely Houses. With the exception of the uniform of a Prussian general he had already sent his baggage to Castle Brühl, where he intended to pass the night with the king. Hence on the following day, when the ministers and undersecretaries, jealous of the Prussian dignitaries, once more asked for civilian clothes, the regent replied smilingly that he could not appear at the festal board with nothing but his

shirt on. He tried to quiet the representatives' excited minds by adding: "The dress is not of any importance; I renounced my Austrian uniform and may well wear the Prussian for a few hours. We will soon show that it does not mean anything." In his diary he mentioned the conduct of his ministers, "who have no idea about court etiquette," by a name not very flattering but quite appropriate.

In the large hall of the Guerzenich the king became quite jovial; his German artistic temperament could not resist the splendid speeches and the old Markobrunner wine. After drinking to the regent, as "his tried German friend who had his love and fullest confidence," he also offered a toast to the representatives of the people in the following words: "Twice a toast has been drunk to the fulfillment of the dream of my youth, Germany's unity. Let us promote this construction with all that is in us. Therefore, first of all, three cheers for the brave workmen who are building a united Germany, for the present and absent members of the national assembly in Frankfort."

At the evening meeting in Castle Brühl the archduke tried to put his ministers in touch with the Prussians. He told them that "in the Guerzenich many things were straightened out." He was mistaken, however, in minimizing the importance of this absurd incident. We may read in Fallati's memoirs about the degree of sensitiveness of which

liberal statesmen, who only have civilian clothes, are capable. The proposal to abolish all ranks of nobility in Germany had been rejected by 282 votes against 167; nevertheless all those of the plain citizens who like to be called the aristocracy of learning had an ardent desire to show the noblemen, and particularly the noble families connected with the court, that the citizens were henceforth destined to be at the head of the state. Professor Fallati could not get over it that the undersecretaries, who did not take their places in time for the ceremonies in the cathedral, found the doors closed. He lamented that the doors might perhaps have been reopened for a uniform but not for civilian clothes. He therefore believed that "the dissension between Prussia and Germany, between reaction and revolution, was only thinly veiled to the seeing eye. The preponderance which Prussia unfortunately exercised in the direction of reaction was here plainly visible, although that was not shown in the hall of the Guerzenich." Fallati also mentioned that the conference arranged by the regent "had not been very enjoyable." Until late that night the archduke talked with his royal friend, whom he found full of good intentions and correct views, but impatient. The principal topic of conversation between them appears to have been the revolutionary party. The question came up "whether serious steps should be taken and when." The king had already abandoned

the idea of selecting representatives of the German governments for the formation of a "states council" at the seat of the national assembly, which, to a certain extent, could have served as the first or upper chamber.

These holidays of Cologne threw the last touch of luster and splendor over the national movement of the people during the revolutionary period. Enthusiasm soon commenced to dwindle, while party hatred increased. Most of the men representing the German people did not recognize the fact that politics cannot be built up on ideal principles and theories alone, but must be based on an exact knowledge of reality and of the powers active in real life. They believed that a state could be constructed on words; and they started with great zeal to build upon what they considered the sovereignty they had already gained.

The parliamentary discussion about Poland during the middle of May, and about peace mediation in Italy on the 12th of August, showed that a healthy view prevailed in regard to international relations; but the debates on the 7th and 8th of August about amnesty for political criminals, which became unavoidable through Hecker's election to the national assembly, led to such outbreaks of rowdyism on the part of radicals that the moderate elements found it difficult to continue their work. Lorenz Brentano, a lawyer from Bruchsal and a

hero of the Boerne-Heine school, who had personally taken part in the Baden uprising, loudly expressed his opinion about its justification. He deliberately asked the assembly in an insolent tone: "Do you intend to discriminate in favor of a Prussian prince against those who took up arms in Baden?" During the noise caused by indignant exclamations, von Soiron, the vice president, who occupied the chair, was awkward enough to ask Brentano for a repetition of his words, which might have been misunderstood. The tumult caused in St. Paul's Church by this incident, particularly in the galleries, lasted for two days and took such proportions that the Frankfort senate held the militia in readiness to quell further disturbances.

Still more dangerous than the nuisance from the rowdies were the academic debates about "fundamental laws," which had been placed on the order of the day in sections. The assembly contained numerous quarrelsome parties of political novices, of whose statesmanship their constituents had not demanded any proof. These amateurs now undertook the task of regulating, by a few paragraphs passed with scant majorities, all the tangled relations between state and Church. They thought thus to settle the contest which had lasted through centuries and had brought the greatest powers of Christian humanity into endless wars without arriv-

ing at a decision. During eight sessions sixty-five speakers were heard for or against the fourteen tenets, which afterward formed paragraphs 144 to 151 in article V of the German constitution. The most important ones were as follows: Every German has full liberty of religion and conscience; and nobody is obliged to reveal his religious belief. Every religious denomination regulates and manages its own affairs independently, but remains subject to state laws. The state does not grant any religious denomination privileges not enjoyed by the others, and there is no state church. New religious denominations may be formed, and do not require the state's recognition of their faith. Nobody shall be obliged to join a church or attend service. The validity of marriage depends only on the civil act; the church ceremony can only take place after the civil act has been consummated.

Robert Mohl offered the following amendment: "The peculiar conditions of the Israelite race are subject to special legislation and can be regulated by the state. Active and passive suffrage is safeguarded to German Israelites." In justification of his proposal he said: "The Jews are a foreign element; they stick closely together throughout the world, but do not consider themselves part of the people among whom they live." Somebody replied that wrong actions were amenable to existing laws anyway, and did not require any special legislation

for Jews; but Mohl objected by saying: "It is not the separate action that is so difficult to elucidate in cases of usury among Jews, but the entire life. The entire tendency and occupation among the lower classes of Israelites is injurious to the people, and this must be remedied by wise state measures and wise legislation which will lead Jewish youth to different careers." Mohl's views, of course, could not find any backing at a gathering where the liberal phrase had already gained the upper hand and where even those in favor of religious education and religious superintendence over all schools were guided by general human rights and by the demands for spiritual liberty.

While thus discussing fundamental laws, the parliament was disturbed by an event in foreign politics which not only excited all the different parties, but also caused a new revolutionary outbreak on the part of the radicals, and thus threatened the very existence of the parliament. This was the conclusion of a truce between Prussia and Denmark. Hostilities in Schleswig-Holstein had practically ceased in May. General Wrangel was unable to keep possession of Jutland, because the 10th Union corps consisted of only ten thousand men and the reënforcements which he demanded did not arrive. Early in June he received from Berlin the order to withdraw. King Frederick William had found himself forced into that war when he had really

intended only to back his offer of mediation made to the king of Denmark by a military demonstration. Since he had unexpectedly gained victories, Europe had become partly suspicious and partly threatening. Not one of the great powers would permit any loss of Danish territory in favor of Prussia. In the Schleswig-Holstein affair even Austria placed herself outside of the Union constitution and refused to take part in the war, not only on account of her own troubles but also because she did not wish to disturb her friendly relations with Denmark. Russia protested against any support of the revolution in the duchies and urged Sweden to prepare for war. In France a warlike turn was expected at almost any moment; and the English House of Commons spoke very strongly against Schleswig's annexation by the German Union. All this would not have prevented a bold, determined monarch with a military power like that of Prussia from vanquishing Denmark by a few quick blows and enforcing her submission. This boldness, however, was not in Frederick William's character. Furthermore it would even have been proper if he had been determined to assume, and if necessary to fight for, the government of Germany. That the majority in the national assembly would vote in favor of the so-called Prussian head was considered certain; consequently he could have become German emperor by consent of the people's

representatives. Such a plan, however, did not harmonize with the king's views about his position and about his duties toward the legitimate rulers who were his allies.

Since Prussia remained true to the older Union, recognized the provisional central power only as a continuation of the Union diet, and altogether observed toward Germany's political development a position of watchful waiting, she showed very poor judgment in exposing herself single-handed to a conflict in support of the new ideas. She was doing more than was her duty according to Union law. The central power had to see to it that the national assembly's orders were carried out. On the 9th of July the national assembly declared "that the Schleswig affair, as a matter regarding the German nation, comes under the assembly's jurisdiction, that the war shall be continued energetically and that, at the time of concluding peace with the crown of Denmark, the rights of the duchies and the honor of Germany shall be safeguarded." On the 11th of July the assembly decided further "that no peace and no preliminary truce shall be arranged with Denmark without the consent of the regent and the national assembly." On the 15th of July, at the suggestion of the committee on military affairs, the national assembly demanded of the German governments to raise their contingents to one and one-half per cent. of the present population, which

would have produced an army of 900,000 men for the entire country.

Thus Prussia could well have decided to await the action of the other German powers in connection with this demand, and to leave the political and military management of the Schleswig-Holstein affair to the sovereign national assembly and the central power. She could have arranged with Denmark for a short truce or for the simple declaration of the cessation of hostilities for a certain time. Wrangel, as commander-in-chief of the 10th corps and of the troops furnished by the duchies, could have been referred to the central power's minister of war for instructions. The king, however, did not take this clear view; while negotiating with Sweden and with Lord Palmerston, who had agreed to mediation, he missed the favorable moment when better terms could have been obtained from Denmark. After the regent took office Wrangel believed, without the consent of Archduke John, he had no right to act upon the truce which had already been arranged by Prussia at Malmö. During the conferences at Bellevue, a castle near Kolding, Denmark refused to accept the intervention of the German central power, which had not been recognized by the European powers; she also declined to accept the changes made by Wrangel in the draft of the treaty, and consequently the state of war was resumed on the 24th of July. It now became neces-

sary for Prussia either to recommence the fight with the assistance of all the strength of the state, central power and nation, without any fear of foreign powers, or, if a breach with the great powers was to be avoided at any price, to recall Wrangel and "to ratify without hesitancy the Malmö treaty regardless of the wrath of the people in Frankfort."

As a matter of fact, however, war was not resumed nor was Wrangel recalled; but, by the regent's authority, negotiations were continued at Malmö. The regent's power of attorney was issued on the 7th of August and contains the following paragraphs: I. The representatives to be selected for the formation of a new common government for the duchies of Holstein and Schleswig must be agreed upon expressly and by name between the contracting parties, prior to concluding a truce, in such a manner that the existence and prosperous operation of the new government appears assured. II. All laws and regulations passed in the duchies up to the time the truce is concluded must be expressly included in the laws and regulations as already existing. III. All troops remaining in the duchies of Holstein and Schleswig must continue under the orders of the German commander-in-chief.

General von Below was chosen as mediator, but this was not a fortunate selection. He faced, in the

king of Denmark, a tenacious, obstinate opponent, who knew very well that mighty hands were upholding and protecting him. Below did not have patience enough to tire this man by constantly renewed onerous conditions, and on the 26th of August, without awaiting the last instructions from Berlin, he concluded the Malmö truce, which made Denmark's position more favorable than it was prior to the war. The treaty was made for seven months, protecting the Danes throughout the winter, and stipulated that they could leave 2,000 men on the island of Alsen, while the Germans could maintain the same number in the other parts of the duchy; this had to include, however, all the natives of Schleswig serving in the united army of the duchies. The Union contingent of Holstein alone was to remain in that duchy. The temporary administration was put into the hands of a committee of five members, two of whom were to be selected by the king of Prussia, two by the king of Denmark, and the president by an agreement of both rulers. All laws and regulations passed since the 24th of March in Schleswig-Holstein were canceled.

The new ministry of the central power had previously sent Max von Gagern as a special ambassador to the duchies to supervise the treaty made between Denmark and Prussia. On the 22nd of August von Gagern reported that he did not be-

lieve the regent's power of attorney would be strictly adhered to, and on the 30th of the month news reached Frankfort that the treaty had been concluded. On the 4th of September Heckscher, as minister of foreign affairs, had to inform parliament of the unfortunate facts, which were emphasized by the appointment of Count Karl Moltke, a pronounced enemy of Germany, as president of the mixed administration committee. This placed the central power in an extremely difficult position, which required cool consideration of all that was possible and what would prove most useful in the interest of all.

Schmerling, true statesman that he was, had sufficient presence of mind and calmness to suppress all excitement as far as his own person was concerned. He convinced the entire ministry, including the undersecretaries, that it would be best to recommend to the regent the ratification of the Malmö treaty. Even Robert Mohl, who held out almost to the last, was finally convinced by Schmerling's reasoning. The prominent leaders of the assembly, however, had not been won over; the different parties had not been prepared; nor was the fact considered that the liberal doctrinarianism, which again might adorn itself with the much discussed "most sacred sentiments," was always ready to act under the spur of the moment. The unfortunate Dahlmann, who could draft constitutions so well,

was unable to master his feelings and inflamed the assembly by drawing a vivid picture of Germany's lost honor. The entire left followed him at once, and eagerly, not for the sake of Schleswig or of German honor, but, quickly recognizing the favorable moment, for the purpose of striking the heaviest blow against the monarchy. Many so-called moderate democrats joined in the attack.

Rümelin wrote on the 3rd of September: "During the past few weeks, owing to changed conditions, many members have become gradually convinced that the moment has arrived when only force and boldness, within and without, can save the German cause. Just because the national assembly had long, in the real German way, tried peace and diplomacy, it would be all the more entitled, in case of necessity, to set the strongest powers and passions in motion rather than drop the German people's great task uncompleted." That was the false logic of the mischievous doctrinarianism indulged in by many German patriots who believed themselves forced into a conflict between political and moral principles. The highly praised "mere foolishness," which willingly follows any sentimental movement, always commits the worst political blunder. Dahlmann, the teacher of politics, was in this predicament on the 5th of September, when, as spokesman for the united committees for international affairs and for the central power, he moved that "the

assembly quash the military and other measures adopted in connection with the truce."

Dahlmann tried to justify his motion by pointing to England and claiming that she had attained her greatness because to her every individual Englishman was as important as the entire country, and that Germany should prove her strength by not subjecting hundreds of thousands of Germans to foreign oppression. In a burst of oratory he added: "The new German power, never before seen since Germany has existed, but now having its center in St. Paul's Church, is regarded with confidence by the entire German population. Now, at the very beginning of its rise, an attempt is being made to clip its wings, to tear it to pieces if possible, and finally to crush it. If we are faint-hearted enough to submit to foreign powers at the first approaching trial, at the first glimpse of danger, then, gentlemen, you will never again raise your once proud heads."

Such an appeal to its power and pride is seldom resisted by any gathering. In this case the majority did not doubt the power, the existence of which was asserted by an experienced politician. All objections were useless. Bassermann called attention to the excitement of the Danes in Copenhagen, who also believed that they had been injured in their national honor. Schukert from Königsberg pointed out that there was an intention of breaking with sixteen millions of Prussians for the purpose of

drawing a few hundred thousand people into the Union. Beckerath asked whether foreign countries could believe that Germany was honoring herself by creating discord among her own people. Nevertheless the assembly decided to quash the treaty; the vote was 238 against 221. The left started wild cheering. What did common sense matter to them?

At the very moment of being formed, however, this new majority party of extreme measures got into conflict with itself. Heinrich Laube said: "People commenced to understand that the great patriotic cause had already lost its power because its aim was adulterated by exaggeration, partiality, heartlessness and poor judgment. It was plainly seen that the national assembly was powerless whenever something was to be carried through in opposition to particularism, the personal desires of any particular state. Yet the majority could no longer doubt that by passing any strong resolution against particularism it would put the Fatherland's cause into the hands of the most unpatriotic and recklessly revolutionary party."

Owing to the resolution passed about the truce, the ministry headed by Leiningen handed its resignation to the regent, since it could not carry out what the resolution demanded. On the 6th of September Schmerling wrote to Vienna: "The ministers resigned, leaving to their successors the problem

of carrying on, without the aid of Prussia and Austria, a war in which nobody is interested but the athletes and students." He also expressed the opinion, which quickly proved true, that the victorious majority would be unable to form a ministry. In accordance with constitutional usage, Archduke John instructed Dahlmann to form a new ministry. For three days Dahlmann tried to execute this order, for which he was not at all suitable, and finally he had to confess to the regent his inability to do so. Then the second vice president of parliament, Professor Friedrich von Hermann from Munich, was intrusted with the task. Many of Hermann's friends belonged to the left, but on the 15th of September, when the crisis in parliament occurred, he had made himself so ridiculous that his candidacy promptly came to an end. During the same session Wilhelm Jordan made his memorable speech, which was in part as follows: "Prussian particularism is justified. Prussia cannot be placed in the same category with the small states. That would remind us of the poor man who, crossing a bridge with a millionaire, said to him: 'You cannot do what I am now going to do; you cannot throw your entire fortune into the water.' At the same time he took from his pocket a small silver coin and dropped it into the river. Prussia should be persuaded that it would be best for her to be a member of the entire German nation. There is a power-

ful national sentiment among the Prussian people. They have not yet forgotten, even the most humble among them, that, when still much smaller, Prussia all alone faced a whole world in arms and was victorious. It is no wonder that she still considers herself equally strong."

Late in the evening of the 16th of September, after three days of tiresome speechmaking, the motion of Francke from Schleswig, not to delay any longer the ratification of the truce, as far as that still could be done under present conditions, was carried by a vote of 257 against 236. The majority of the 5th of September which, according to Haym, arose "from Schleswig-Holstein particularism, sincere and fictitious enthusiasm for Germany's honor, antipathy against Prussia, enmity toward ministers, desire for their own ministerial honors and radicalism," had lost its solidarity. Deflection of some deputies belonging to the Württemberger Hof group brought victory to the right and right center. From the 12th of September the regent talked each day to the leading deputies for the purpose of forming an opinion about the general tendency in parliament. He was now enabled to ask the former ministers to resume their portfolios. Only Heckscher had made himself unpopular among his one-time followers by an awkward, defying speech. Prince Leiningen could not be persuaded to withdraw his resignation. Schmerling

then assumed the portfolio of foreign affairs and the presidency.

During the next few days great demands were made on his courage and activity. After the vote in parliament had been taken, the street democracy, always ready for war, commenced to get busy during the same night. The Englische Hof and Westendhall were invaded. Deputies were struck with fists and otherwise abused. The old athlete known as "Turnvater" Jahn was threatened with death by men calling themselves "men of the German nation." On the 17th of September a mass meeting was held by the democratic societies of Frankfort in a large park called Pfingstweide; it was on a Sunday, and many of the parliament members belonging to the left took part. Not only the irrepressible Zitz but also Robert Blum, who up to that time had always been moderate in his remarks, incited to active resistance against the national assembly. A resolution was passed to send to the assembly the following communication: "Twenty thousand citizens assembled on the Pfingstweide declare the majority of 258 deputies, who voted for the ratification of the Malmö truce, to be traitors to the German people, German liberty and German honor; and we elect a deputation to deliver this resolution to the national assembly on the following day." In the deputation were two dismissed officers, Diepenbrock, a Prussian, and Germain

Metternich, a bosom friend of Zitz, in whose home at Mainz the rebel leaders used to congregate. A mass demonstration was to be turned into a bloody uprising. St. Paul's Church and the Palace of Thurn and Taxis were to be seized. The oppoments of the rioters were to be driven from parliament, while those in sympathy with the rebels were to form a national convention and a committee of security. A similar programme had been successfully carried out in France.

On the evening of the 17th of September the Frankfort senate recognized the fact that its own means of protection would not suffice to quell the impending uprising. Many members of the militia were in sympathy with the athletes and sharpshooters from Sachsenhausen and Hanau, as well as with the home mob. About midnight the senate sent to Schmerling a letter leaving to the ministry of the central power the care of maintaining order in Frankfort. The president of the ministry had previously made arrangements with the commander of the fortress at Mainz for protective measures. He now telegraphed for one Prussian and one Austrian battalion of the Mainz garrison; and at a meeting of ministers early in the morning he demanded for himself full liberty of action in subduing an armed uprising. After some hesitancy this was granted him. In agreement with General von Peucker, minister of war, Schmerling then

arranged, with admirable determination and knowledge of military matters, all necessary measures for the protection of the parliament and the city of Frankfort.

Early in the morning of the 18th the two battalions from Mainz arrived and were placed around St. Paul's Church. Two other battalions and a battery also came from Mainz, and cavalry and one battery from Darmstadt. Württemberg mounted troops on their return trip from Holstein came from Friedberg, and a Bavarian battery from Aschaffenburg. The connection with Hanau, from which place the rebels expected strong reënforcements, was interrupted by destruction of the railroad. On the morning of the 18th a deputation from the left asked Schmerling to withdraw the troops. He not only refused but told the deputation that the numerous barricades erected in the old part of the city would have to be razed prior to 6 P.M. or they would be stormed.

During the day's session of the national assembly the infuriated left tried to suspend the rules, to dissolve the assembly, and to demand a new election; but all these motions were voted down. The armed mob tried to invade the church, but were prevented by the personal interference of several deputies, including the giant Gfrörer, the historian. In the afternoon, fighting began in several parts of the city. Three Prussian officers were killed

while storming a barricade ahead of time in a street called *Bleichstrasse*. Prince Lichnowsky and General von Auerswald, who for some unknown reason went on horseback to the Friedberg gate, were attacked by rebel crowds, chased over fields and finally, when they took refuge in a florist's pavilion, killed with most beastly cruelty.

Only Schmerling's energy and courage prevented further interference on the part of deputies belonging to the left, who, partly with good and partly with bad intentions, demanded the withdrawal of the troops. It was even reported that, through Dr. Giskra from Brünn, they had obtained the regent's consent to this folly. Had the soldiers been withdrawn, the "Reds" would have carried out their intention of seizing Frankfort and her riches. Toward evening Schmerling, who had arranged the details personally with Peucker, ordered the Hessian battery on the Zeil to fire on the main barricade. At the same time infantry columns advanced for action, and in a few hours the resistance was broken.

On the following day the national assembly's session was not disturbed, President von Gagern, in a dignified manner, expressed his regret at the death of several members and his feeling of shame for the disgrace brought upon the nation through the savagery of the Frankfort mob. A large majority approved of the steps taken by the ministry

and pronounced Frankfort in a state of siege, at the same time expressing thanks to the troops for the devotion and moderation shown in suppressing the uprising. A special law was passed for the assembly's protection. Then the debate on fundamental laws was calmly resumed. It had been interrupted by the tools of the extreme left at the sentence, "Science and its doctrines are free."

CHAPTER VI

THE END OF THE PARLIAMENT

THE prestige of the central power and the new government gained considerably during those September days. Property owners began to show confidence in the parliamentary majority when they saw that the fight against radicalism had been started in earnest. It was a well-known fact that radicalism had become too obtrusively prominent in public life. The "moderates" as well as the rebel party were tired of revolutionary words like liberty, people's right and tyrants' power. The moderates demanded the restoration of settled conditions; while the rebels insisted on obtaining the fruits of the revolution: influence, power, well-paid positions and distribution of rich people's property. The moderates wished to resume their work and earn their bread honestly; but the others desired to disturb labor and increase dissatisfaction. One side called for the strengthening of state powers and the other for their destruction. It is hard to understand how parliament and parliamentary committees could be expected to harmonize

these contrasts; yet most of the liberal representatives of the people, even the best informed and least prejudiced, still thought it possible. For that reasan parliamentarism broke down completely in those days and, in some people's judgment, lost all value. Democracy took up arms to fight its own battle with the old state power, which still existed although not sanctioned by the people. Liberalism continued to turn its theories into innumerable laws and paragraphs, while trying to be the governments' teacher. That did not accomplish anything except to establish the indisputable fact that the trust in liberalism's infallibility was erroneous, and that its institutions did not suffice to straighten out even the temporary confusion.

Revolutionists with republican notions could no longer expect anything from the Frankfort assembly; and for that reason desired to dissolve it. Unsuccessful in this attempt they attacked other points. A democratic central committee, of which Julius Froebel, a highly gifted journalist, was a member, directed a movement from Berlin which was expected to lead to new revolutions in Baden, Württemberg and Thuringia. Its aim undoubtedly was the foundation of republics; but nobody seemed to think seriously about details in connection with their establishment or about the manner of satisfying all the demands made by the masses. Democrats hoped for great achievements through mem-

bers of their party at Vienna and also through the Prussian national assembly, in which they were in the majority. Much was also expected from a regiment of students, newspaper reporters and men without a profession, who had formed an organization in the imperial city of Vienna. A connection with the Magyars under Kossuth's leadership, the presence of many Polish agitators out of work, participation by Czech democrats and, above all, the strong influence of radical Jews, promised revolutionary success, particularly in Vienna. There at least radicalism had hope of destroying a European great power, of gaining a victory for Italian democracy, and of founding, perhaps, a free confederacy of nations.

The principal efforts of radicalism were therefore made at Vienna. On the 6th of October, strongly backed by Hungarian money, an uprising started there which claimed Count Latour, the minister of war, as its victim. The emperor and his family, after returning from Innsbruck on the 12th of August, had to flee a second time. Government and diet were broken up, while the dynasty was obliged to make extensive use of such military power as was still available. Prince Windischgrätz, the victor of Prague, promoted to the position of field marshal and commander-in-chief of all Austrian troops except those fighting in Italy under Radetzky, found a natural ally in Jellacic with his

hosts of South Slavonians gathered for the purpose of attacking Hungary; and these combined forces undertook the conquest of the rebellious city. The fight for the existence of the old House of Hapsburg was taken up by various nationalities, in fact by all those who were true to the Austrian state. The combination was known as "black-yellow," those being the national colors; and these loyalists expected Austria to protect them against the outrages of Hungarian and German democrats. Nobody seemed to pay any further attention to the German central power or to the regent. In their trouble the moderate elements of the Viennese population applied for advice and help to Archduke John, not as the representative of a united Germany, but as the Austrian prince in whom they had most confidence.

Vienna, however, was a German city; the deputies of her citizens were members of the German national assembly, which body had to safeguard Germany's unity. One of these deputies, Berger, asked parliament to approve of the uprising and to declare that Vienna, by the previous insurrection, had rendered a service to the Fatherland. The left decided to take advantage of this new revolution and to participate in the victory of the Austrian democrats. It suddenly showed a thoroughly democratic tendency, and declared that, in Germany's interest, the national assembly ought to

lend assistance to those Austrians who were desperately fighting against Panslavism and the tools of the most nefarious reaction, Jellacic and Windischgrätz. The majority of the parliament remained cool and voted down all motions of this kind made by the left, but could not prevent the sending of an unofficial note to Vienna corresponding with the contents of Berger's motion, approving of the crimes of the mob and inviting a continuation of resistance against the emperor and those holding authority from him. This message was carried by two representatives of the extreme left, Julius Froebel, who had just been elected at Schleiz, and Robert Blum.

The embarrassment of the central power and national assembly was due to the fact that they could not do their duty toward calming the tumult in Austria, because the Austrian government, since the uprising in October, had been devoid of any constitutional character. It had, moreover, refused to permit any interference in the monarchy's interior affairs, desiring apparently to sever all connection with Frankfort. The correspondence between Wessenberg and Archduke John was not of an official nature; it was simply an exchange of ideas between two friends, each of whom found himself in a position beyond his control.

On the 12th of October, for the sake of creating in Germany the impression of an intervention, the

The welcome to Duke John of Austria as ruler of the new, united, constitutional Germany at Frankfort July 11, 1848.

national assembly decided to send two representatives to imperial headquarters to "make all necessary preparations for a cessation of the civil war and the restoration of lawful conditions with peace at home." Old Mr. Welcker and Colonel Mosle from Oldenburg were selected to bear the message to Olmütz, where the imperial family then resided, and to the headquarters of Prince Windischgrätz. In both places they were told that their efforts were superfluous. This was all the more true as they did not even bring an offer of active support by troops belonging to the German Union.

The parliament, dissatisfied with the work of legislation, which had been accomplished so far, now discontinued the debates on fundamental law, and took up its main object, the framing of a constitution which would shape the system of the government to be created, either empire or union. This also brought up the Austrian question, which had gained in importance through recent events. It was the question of separating or consolidating the Hapsburg monarchy and the German empire, thus forming a permanent power which, according to a wish expressed by the entire nation, should take the place of the useless Union. All the German governments declared that the aim of their common endeavor with the national assembly was "the powerful union of the German countries." They had proved this by recognizing the provisional

central power. While investigating the first principles of such a reorganization, all people of fair judgment became convinced that Germany's political unity could only be attained by separating from Austria. They had to share the views so splendidly expressed by Gustav Rümelin on the 24th of October, when he wrote to the *Schwäbische Merkur:* "The preservation of the Austrian empire is in the interest and positive will of all Austrian people with the exception of Italians and Magyars. As far as the last named are concerned, it is not their will but most decidedly to their interest. Even if the Austrian connection could be severed, this would not be in Germany's interest; because in that case the non-German countries, connected only through Austria and Germany, would be obliged, after the dissolution of this connection, to form a South Slavonian government which would ask Russia for protection against the much stronger western neighbor and play, on a larger scale, a part similar to that of Moldavia and Wallachia. Thus not only the lower but also the middle section of the Danube country would be lost to us through our abandonment of the richest and most beautiful European countries with twenty million allies. If by this sacrifice we gained Austria, without her non-German provinces, we would indeed gain twelve million souls for our German Union; but the sympathies of half of these would be outside of

the German boundary lines and would render some sort of compulsion necessary, while the other half, in spite of all their German sentiment, would not find in their new position any compensation for the lost glory of an independent European power. Consequently they would belong to us only in a half-hearted way. It may seem paradoxical, but the fact remains that those seven million Germans are better able to gain the good will of those Slavonian countries for Germany than are all the other forty million Germans. These Slavonians see no danger in a connection with Austria; but one with Germany would drive them into the arms of Russia. It would, undoubtedly, be a sad day throughout Germany if our dear brothers from Austria, who last April were received with so much joy, should withdraw from St. Paul's Church. We must study again and again about some means of avoiding this. It must, however, be frankly acknowledged that there is only a choice between different evils and there can be no completely satisfactory form of German unification."

The German patriots, however, were still far from "frankly acknowledging this" when they started their deliberations about the German constitution. Most of them believed that a German popular assembly could also found a united German state. According to Laube's report, they had no "definite idea" about the interior structure and

necessary head of such a state. There seemed to be a hazy notion that an insurmountable obstacle was ahead, but nobody ventured to elucidate the matter. The Austrians particularly expressed the hope that "with some modifications" it might become possible to admit Austria to this contemplated united state. Yet they could hardly have doubted the fact that the existence of their own state was not compatible with the constitution of a German union.

Article I of the draft of the new constitution, under the heading of "The Country," read: "The German country consists of the entire territory forming the German Union. The status of the duchy of Schleswig will be determined later." Article II, paragraph II: "If a German and a non-German nation have the same ruler, the German nation must have its own, separate constitution, government and administration. Only German citizens can hold offices in the government and administration of the German nation. The constitution and legislation of Germany will be just as binding in such a German nation as in the others. Paragraph III: If a German and a non-German nation have the same ruler, he must either reside in his German territory or a constitutional regency must be established there, to which only Germans are eligible." Applied to Austria this paragraph would indicate a perfect personal union between the Austrian nations previously included in the German

Union, on the one hand, and the kingdoms of Hungary, Croatia, Transylvania, Dalmatia, Galicia, Lombardy and Venetia, on the other. The emperor of Austria would have been obliged either to reside in Vienna and maintain regencies in his other states or to move to Budapest, while other Germans would reign in his place at Vienna. As a member of the united German state he would have been under a Union government, while as king of Hungary, etc., he was a constitutional sovereign. That is to say, in the exercise of his royal functions he would have to guide himself by the resolutions of representatives of non-German people, while at the same time he was subject to the commands of a German parliament.

Even in the case most favorable to Austrians, or rather the only one acceptable to them, that their emperor would be placed at the head of the united German state, he would surely be exposed to conflicts frequently insoluble. Furthermore it became evident that among the nations in this proposed German Union there were non-German territories. Bohemia, Moravia, Carniola and Istria could not properly be called German, because all of them were inhabited by two or three nations in such a ratio that the Germans did not have a majority in any of them. When Metternich added so many territories inhabited by Slavonians and Italians to the German Union he did not think that a consti-

tutional government would ever be possible; in fact he did not place them under a Union administration but added them to a Union of states. The German Union of 1815 had not been really a national institution, and it had no connection of any kind with the efforts of the people themselves.

Independent of the fact that the various Hapsburg countries united by the Pragmatic Sanction and by a century of common administration, including the old Polish territories, were just on the point of determining in a joint parliament the foundation of their future administrative life in common, without considering the future constitution of the proposed united German state, every honest liberal had to confess that the demands specified in "paragraph two" presupposed a hardship to the Slavonians which could not be accomplished by constitutional measures. Doctrinarians, like Dahlmann, Waitz and others, who considered this paragraph applicable, could not see this obstacle; but Heinrich von Gagern, the gifted statesman, refused to be blindfolded. One evening, surrounded by political friends, he punctured the bubble which had deceived even sincere people free from academic prejudices, such as Bassermann, Mathy and Laube. Gagern said: "It is unworthy of our great task to be vacillating and to evade the most difficult issue of a German constitution. We will not and should not be a lot of procrastinating, evasive diplomats;

we will and should be a constituting assembly. Therefore let us constitute." In a few words he then explained the two necessities at issue for Germany as follows: "The Union is necessary for Germany, and the preservation of Austria is also necessary for Germany. From all points of view it is wrong to speculate on the destruction of Austria." From this explanation Laube drew the conclusion that Austria could not be admitted to the united German state and that an alliance with Austria would have to be formed. This unfolded Gagern's "little German" programme; and that programme broke up the national assembly. In later years, however, this programme was carried out by a greater man without any parliamentary support, and almost against the will of the nation.

While Gagern disclosed this the only possible, but fateful, plan to his friends, Freiherr von Menssheng en, the Austrian plenipotentiary who had taken Schmerling's place, handed the Austrian government a similar "Memorandum regarding Austria's position toward the future formation of a united German state." In this it was suggested that the government, in the interest of its own state, renounce a close connection with Germany but conclude an "intimate political alliance of the entire Austrian monarchy with the new united German state." This memorandum had no effect, because among the Austrian ministers of the revolutionary

period there were only a few who gave any serious thought to the future relations between the Austrian and German administrations. The Austrians were devoting all their attention to the care of the moment and could not foretell which power would be the stronger. Wessenberg, who had the most exact knowledge of German affairs, which he followed up with great interest, never believed in the possibility of a united German state. He claimed that the "old Union agreement was more valuable than Dahlmann's dream picture," and spoke of Gagern's programme as a "desperate act." To the diplomats of the Vienna congress period the idea of Austria's predominating power seemed indestructible, and they considered impossible a Germany which was not managed from Vienna.

Among the Austrian deputies at Frankfort there was not one who recognized the correctness of Gagern's views, and who would have been willing to support them by explaining to his countrymen the idea of the close union and the looser alliance. Arneth, Sammaruga, Würth and Schreiner did not have the keen power of discrimination so necessary in political-historical matters. What Schmerling's intimate view about the German constitution was cannot be ascertained, even through Arneth, who wrote his biography; but it is presumed to have been closer to that of Wessenberg than the latter believed. The radical talkers, led by Berger and

Giskra, believed that they could easily arrange a personal union which would diminish the state power. The abolition of the monarchy was desired by them, not so much for national reasons as because they hoped that democracy would gain power through it. Dr. Berger expressed himself very plainly on this subject by declaring that he would even favor a Slavonian union state "provided that it be democratic." In later years, during a period of liberal confusion, this man was made an Austrian minister with the title of *Freiherr*. These democrats were considered the most honest among the Austrians in St. Paul's Church. They did not make any secret of the purpose for which they were there, while the others could never disprove the charge that they continued taking part in debates about the German constitution when they could no longer doubt that, as upholders of Austrian supremacy, they must prevent and not promote the creation of a German state. It would have been their duty to counteract in their own country the nefarious activities of the "Reds," to coöperate in restoring constitutional conditions, and to represent the thoroughly national and patriotic plan of the broader union and "intimate alliance." They could not be blamed more severely for not recognizing their duty than the learned constructors of constitutions for believing in the infallibility of their favored smaller Germany.

The Austrians actually and truly imagined an absolutely impossible, shapeless "greater Germany," although their only purpose was to realize Metternich's desire of seeing Austria at the head.

In the autumn of 1848 the political situation was quickly clarified. The conquest of Vienna and the simultaneous retreat of the Hungarian rebel army from the borders made it clear to the people, who were astonished at the news of Radetzky's victories in Italy, that there still was a power to be reckoned with in the House of Hapsburg. The complicated problem of an Austrian state was reduced to this simple basic element. The state came into existence through the power of this House and it remained to be seen whether it was still strong enough to subdue the elements working for disintegration. The answer came quickly: the Hapsburgs were strong enough. When the clash between the two active powers came, the splendid organization of this House proved its superiority. The men drafted for military service in the German and Slavonian countries joined the colors almost without exception and without reluctance. Crowds of volunteers hurried to the recruiting tables to risk their lives, not for a political idea or a national programme, but for the emperor, for the House of Hapsburg. The credit, which through the success of the first revolution was severely affected and considered irretrievably lost, still proved sufficient to supply large

armies, conduct war and maintain an administration in the territories loyal to the crown.

Thus the House of Austria stood armored and ready to maintain the position which it had occupied for centuries. It could not be denied that in all the nations composing the Austrian empire there was a majority in favor of continuing the joint state system, and that particularly the old hereditary countries, which had established the Hapsburg empire and had defended it for three centuries, had no desire to separate their fate from that of their ruling House. This was an undisputed fact, independent of all doctrines about people's sovereignty and constitutionalism, united state and state union. It influenced future events in a manner entirely different from that which the representatives of the sovereign people confidently predicted. This would not have happened if the rabid and degenerate movement for liberty had not pressed the sword into the hand of the dynasty. Prince Windischgrätz could not have been used for strengthening the foundations of the constitutional monarchy whose sponsors had been victorious in March; but he was called upon to subdue the students, demagogues and communists who were ruling Vienna. The victory of civil order and the restoration of state power depended on his might, which had to be strengthened as much as possible.

The real question was whether those who were

grateful for having been saved by Windischgrätz could take his armed power from him again. The liberals in St. Paul's Church did not think of that. They appreciated the suppression of the Vienna revolution, through which their opponents of the left had hoped to seize the national government. In fact the liberals considered themselves and their constitution saved also, and were still under the erroneous impression that the new power would submit to their orders. The liberals were still in the habit of passing well-worded resolutions and expressing opinions, although it had been known for some time that no attention would be paid to them. Haym, who was thoroughly downcast while writing for his party the second volume of his report on the German national assembly, mentioned particularly the instructions given to the committee sent to Austria; he wrote: "In view of the fact that our government was absolutely powerless in its dealings with Austria, the step taken by the representatives of the German nation was a satisfaction which we owed to public opinion as well as our own interest, both in Austria and in the preservation of liberty for our German-Austrian brothers. The idealistic retention of German individuality in Austria and of the central power's right to influence Austrian conditions is an honor to the national assembly." This ideal policy was not only honorable but also easy for the national assembly. It

was easy too for the Austrian government, which was not thereby disturbed in the independent development of its politics.

This, however, was not the only policy possible. Circumstances now opened a way for the national assembly of almost accomplishing a separation from Austria, which, as we have seen, would have been the most important preliminary step for the formation of a united German state. The majority in the national assembly had gradually freed itself from the influence of the left. This was proved by the assembly's attitude after the execution of Robert Blum at Vienna, ordered by Prince Windischgrätz on the 9th of November on the strength of a court-martial, and carried out at once. There could be no doubt about the commander-in-chief's right to take such a step. Blum had joined those who were resisting the imperial troops, had made revolutionary speeches in the *Aula* and, holding the rank of a rebel captain, had occupied a barricade. He could not have done this in performance of his duty as a member of the national assembly. Hence Prince Windischgrätz had no reason to respect the deputy in the person of his prisoner. This opinion was also expressed by the liberal press of England; the *Standard* wrote: "If an honorable member from Nottingham [a leader among the Chartists in the English parliament] should take a notion to make use of his charter on the barri-

cades instead of in the House of Commons, no English general would have any constitutional scruples about doing just what Prince Windischgrätz did."

In some quarters the opinion was expressed that, instead of prompt execution, a pardon might have been granted Blum, as was done in the case of Fröbel; and there was a suspicion that Windischgrätz sought to do intentional injury to the German national assembly, of which Blum had been a prominent party leader since its inception. It was said that, if the sole object had been to prevent him from doing further harm, he might have been detained in a fortress. The Frankfort assembly, therefore, expressed its regrets in Vienna about the occurrence. This was done in the customary liberal way by an inopportune reference to the law of the 30th of September and by the unjustified demand that the ministry "take energetic steps to apprehend and punish those directly and indirectly guilty." These comparatively harmless words, however, constituted all that was done. A religious celebration for the dead, as proposed by the left, was voted down, and all further demonstrations were prevented.

The national assembly also observed a moderate attitude toward the Prussian government when the latter, encouraged by Austria's example, put a stop to the radical excesses of the Prussian national

assembly in Berlin. The radical assembly was moved bodily to the city of Brandenburg, while General Wrangel with 20,000 men was stationed in the rebellious capital to stamp out terrorism and street politics. The ministry of the central power sent Bassermann to Berlin for the purpose of having, in case of intervention, an understanding with the new Prussian ministers, Count Brandenburg and Otto von Manteuffel. He became convinced that all the steps taken by the ministers were necessary and, returning to Frankfort, he advised the national assembly in a speech, in which he referred to the "terrible scenes" in the streets of Berlin, to leave the regulation of Prussian affairs to the king and his government.

On the 20th of November, after long discussions, the parliament decided to request the central power to appoint a ministry having the country's confidence. At the same time it declared void the resolution regarding the refusal of taxes, passed by the diet which had illegally met at Berlin, but promised to protect the rights and freedom granted the Prussian people against any interference. Afterward the central power addressed to the Prussian people a warning not to refuse the payment of taxes in any manner. It thus established a coöperation between itself and the governments, between the ideal and the real power in Germany. A deputation of the radical Prussian national assembly

then came to Frankfort and met representatives of the center parties of the Frankfort parliament in the hall of the Weidenbusch Hotel for a joint discussion; but their arrival did not change the situation appreciably.

The turning point in the parliament's policy could have been reached at the moment Austria for the first time took a separate position while debating the constitution. Prince Felix-Schwarzenberg, who, with Count Franz Stadion, Brück, Krauss and Alexander Bach, assumed the reins of government after the uprising in Vienna had been suppressed, announced in the Austrian diet, which convened on the 27th of November in the residence of the archbishop of Olmütz in the small Moravian city of Kremsier, the new ministry's programme describing the possible relation of the "rejuvenated" Hapsburg monarchy to the future Germany. This programme was not incompatible with Gagern's ideas. After proclaiming an energetic campaign against the armed party in Hungary, "whose final aim is the overthrow of and secession from Austria," the programme called attention to the great task to be accomplished by the government in agreement with the various nations, namely: "the establishment of a new tie which would serve to unite all countries belonging to the Austrian monarchy into one great state body." This showed at the same time the road to be followed by the min-

istry in the German question. It was explained that Germany's greatness could not be promoted by the disintegration of the monarchy, and that the weakening of Austria could not strengthen Germany. The programme further stated: "The continued existence of Austria as a state union is required by Germany as well as by Europe. Convinced of this fact we are watching the natural development of this incomplete process of reorganization. Only after rejuvenated Austria and rejuvenated Germany have acquired new and solid forms will it be possible to determine their mutual relations. Until then Austria will continue faithfully to do her duty toward the Union."

The ministry, after thus stating succinctly Austria's position in the German question, proved its power and importance by consenting to and intervening in the execution of the change in Austrian rulers, which had been in preparation for months. A telegram sent from Prague at midnight on the 2nd of December to Archduke John read: "Advised to do so by Prince Windischgrätz and Jellacic, the emperor this morning abdicated in favor of Archduke Francis Joseph and, with the empress, arrived here in a special train at 11:30 P.M. The suite consists of ten persons only." On the 4th of December, at 3:30 P.M., the *Reichstagsblatt,* a newspaper issued in Vienna on the 3rd of December, reached Frankfort; it contained a copy of the min-

istry's notice sent to the diet at Kremsier about the abdication documents of Emperor Ferdinand and Archduke Franz Karl, the farewell manifest of Ferdinand and the manifest of Francis Joseph I's accession to the crown. The paper also announced the resolutions passed by the Austrian diet about sending a deputation to Olmütz and Prague to express congratulations and thanks.

As the new emperor had only completed his eighteenth year on the preceding 18th of August, it was supposed that, in questions of high politics requiring an experience of many years, he would be guided by the opinions of his advisers, which supposition, of course, added to the importance of the German programme outlined by the ministry of Schwarzenberg and Stadion. This, undoubtedly, contained a consent to the formation of a united German state not including Austria. If the center parties of the German national assembly had quickly made use of this consent, prospects of a peaceable separation of Germany from Austria would have become more favorable. Then the alliance between the two, based on an act of the Vienna congress dated 1815, could have been preserved instead of being again precluded. Such a course was, however, prevented by the erroneous idea which the Austrian deputies had about their national and state interests, and also by the lack of energy and statesmanship on the part of the Union

constitutional party in the national assembly under the leadership of Heinrich von Gagern, and, last but not least, by the king of Prussia, who supported the Austrians in their opposition to the formation of a more closely united German state.

King Frederick William made his first unsatisfactory step by his influence on the regent. Archduke John had not long remained in the dark about his own untenable position. During the first few weeks of his work as regent, while closely observing the activity and internal conformation of the national assembly, he became convinced of the central power's insufficiency. He thought seriously of withdrawing. In his diary, written about the middle of September, appear the following remarks: "It is impossible for the executive power to work without definite instructions; the fifteen points mentioned by the national assembly are very incomplete and too general. In such a period, between the previous and the still uncertain future state of affairs, a larger sphere of action ought to be granted the central power. An energetic management is required in view of the general excitement, political agitation and embarrassments of the separate governments. The moment is drawing very near, if it is not already at hand, when, until the constitution has been completed, quiet, peace and order can only be attained by a dictatorship which must be honestly supported by the various German states.

Only in this manner can the general appeal for help be partly satisfied. What is the regent? At present his is an empty title arousing many hopes but powerless to fulfill them. He is a man who cannot interfere personally, but at most can only give some good advice. And then it is doubtful whether the advice will be followed. If this remains unchanged, I confess that I feel neither able nor called upon to fill such an office." At the close of November he had abandoned all hope that this parliament would be able to solve the German problem; he wrote to Wessenberg: "Every day I become more convinced that here in Germany we are not yet ripe for a change. We shall be so at some future time, but until then we have to pass through many phases. For that reason we must now try to get through present difficulties, and leave further developments to time and circumstances." With such ideas Archduke John might have been induced to mediate between the policy of Gagern and that of Schwarzenberg if he had been in accord with the powerful German governments, particularly the Prussian. Here came in Frederick William's unfortunate influence. The king, with whom John had become so intimate at Cologne, did not approve of including Prussia and the smaller states in a "Little Germany." He requested the archduke to oppose it most strongly. In a letter dated the 18th of November, which Archduke John called

"remarkable," the king first justified his stern proceedings against the Berlin national assembly and then explained his intention of coöperation between his personal government and the regent. He wrote: "All my honest efforts, as you know, are for the consolidation and unification of Germany, but it must be the entire Germany. Without Austria, Tyrol, Vorarlberg, Styria, Carinthia, Carniola, Bohemia and Moravia, Germany would not be Germany. In St. Paul's Church a faction is becoming dangerous by attempting every iniquity in an attempt to place Prussia at the head of Germany, with the intention of legislating mighty Austria out of the future empire. For God's sake, dearest Archduke, remain firm and do not permit it. I know positively that Prince Metternich is doing everything possible, from his Brighton retreat, to make the imperial cabinet resign. Metternich is consistent; I hope that Austria will not listen to the siren's voice; it would be a terrible misfortune. How the matter will be disentangled I do not know, neither do you, gracious sir. Therefore we must gain time and continue the interim (four times underlined) until we see clearer, until some of the nonsense is evaporated and the excitement diminished. In strictest confidence I will confide to Your Imperial Highness that Understate Secretary Bassermann talked to me in the sense of that faction. He has been infected by the perfect sovereign power

of St. Paul's Church and demanded of me an immediate, publicly proclaimed, submission to the constitution emanating from St. Paul's Church. I refused pointblank, as the idea was incompatible with the rules of ordinary morals and caution. I am afraid that he does not consider me sincere or able to resist the splendor of his imperial crown. Oh, Austria must have hereditary possession of the crown of Charlemagne, and Prussia the hereditary possession of the sword of Germany; that is my confession, as firm as a rock."

In a subsequent letter, dated the 2nd of December, the king thanked the regent, somewhat sarcastically, for the "good advice that I should replace my ministry by a popular one," but the tone remained just as friendly as in the preceding communication. The closing words were: "On this occasion, without being misunderstood by Your Imperial Highness, or accused of self-aggrandizement, I can call your attention to the importance which Prussia, restored to order and power, must have for our dear German Fatherland and for your efforts, which can never be sufficiently appreciated."

On the 23rd of November, in his answer to the first of the two letters, the archduke declared it to be his duty "not to change the present ministry, as long as the provisional government lasts." He added: "After that there will be many changes. I do not tire and shall persevere with full courage,

without paying any attention to my own condition, rest or health; I am not working for myself but for others, for the German rulers, the common German Fatherland. I shall hold out as long as I am able to or as long as compatible with my honor." He did not mention the so-called Kremsier programme of delaying everything, and did not refer to the question, which in December took up most of the national assembly's attention, of how this programme could be made to conform with the nearly completed constitution. This discretion was not due to his own desire, but Schmerling explained to him the necessity of deferring the decision until the Austrian ministry, of its own accord, should take a different view. The presiding minister of the provisional central power was an irreconcilable opponent of Gagern's programme. It was the greatest mistake of Schmerling's life that he believed the German people would be satisfied with a "renewed" state Union and that a reform method could be found for the Union which would answer all justified national demands. An entire generation regarded this opinion as the only possible foundation for an equal demonstration of German and Austrian patriotism, and, under this impression, made one political mistake after another. The Austrian members of the liberal center party of later years, who were proud of their "greater German" plan at Frankfort as well as under the

Union government up to 1866—Arneth, Kaiserfeld Demel, Stremayr and others—prevented the compromise between Austria and Germany at a time when it could have been accomplished without severing all state ties. Hence they were partly responsible for the bloody separation which came later, and for the destruction of that firmer unification which, it had been hoped, might take the place of the old Union.

Schmerling tried to gain time by stating that there were prospects of opening negotiations with the Austrian government for the purpose of agreeing on such modifications of the German constitution as would be absolutely necessary if Austria was to join the contemplated Union. He showed an inclination to admit Gagern to the central power's ministry and to let him manage the negotiations. This was evidently an attempt to deceive the center parties in parliament about his real attitude, as there was no possibility of reconciling his programme with that of Gagern. A proposal which might induce Austria to start negotiations was very cleverly made; it was supported by Beckerath in a preliminary debate on the 7th of December and also eagerly discussed in the clubs at the Landsberg, Casino, Augsburger Hof and Württemberg Hof. Wilhelm Beseler, who up to the time of the Malmö truce had been a member of the Schleswig-Holstein government, had become Schleswig's repre-

sentative in the Frankfort parliament, and he brought the matter to a stop. He was willing to consent to the desired negotiations, but only on condition that the system of the Union state would not be endangered and that Schmerling did not participate under any circumstances. While admitting that Schmerling had shown himself a true German, who by circumspection and energy had saved the Fatherland, Beseler claimed that circumstances were stronger than persons and that those then existing were not compatible with the person of von Schmerling. This motion was carried at the Casino by a vote of 36 to 32; it caused the presiding minister to resign because he could no longer count on a majority in parliament and the members of his own party demanded his resignation in no uncertain way. On the 16th of December the regent informed the national assembly that, at its desire, he had dismissed Schmerling and Understate Secretary von Würth, while appointing Heinrich von Gagern presiding minister, minister of foreign affairs and minister of the interior.

Gagern's ministry knew its aim, which was to realize the constitution, of which the character had already been determined. On the 18th of December Gagern presented his gradually matured views about the future German state as his ministerial programme. It referred exclusively to the Union's future relations with Austria and contained the

following items: "I. Owing to the nature of Austria's connection with our German countries, the duty of the central power, now and while the provisional government lasts, is only to maintain in general the Union relations between Austria and Germany. We must recognize, however, Austria's peculiar position, which makes it desirable not to join the future German Union under conditions which would change the state connection between the German and non-German Austrian territories. II. Austria, therefore, according to resolutions so far passed by the national assembly, which have determined the nature of the Union state, will be regarded as not joining the future German Union. III. It is left to the near future to regulate the union relation between Austria and Germany through a special union act which will satisfy, as far as possible, all the spiritual, political and material requirements which have always connected Germany with Austria and can do so to a still greater extent. IV. Since Austria is indissolubly connected with Germany as now represented by the provisional central power, but does not join the new Union, an understanding concerning all present and future union obligations and privileges will be arranged and maintained by ambassadors. V. The constitution of the German Union, the rapid completion of which is in the interest of both, cannot be subject to discussions with Austria."

Since then the German Union—the United Germany—has become an historical fact; it is therefore unnecessary to call attention to the correctness of this programme, but the combination was not statesmanlike. First of all, there was the wrong supposition that the new German state really existed from the moment the national assembly decided its establishment and published its constitution. Heinrich von Gagern did not yet recognize the necessity of agreeing with the German rulers on this constitution—if not with all of them, at least with those who were powerful enough to defend the Union against its enemies. He was not even sure of being in accord with the king of Prussia, and learned through his colleague, Bassermann, that the monarch positively refused to be the head of such a union as decreed by the national assembly. Even if he figured that Frederick William might change his mind, there was no guarantee that the Prussian king had sufficient power to maintain the position intended for him. In the Gagern programme, although not particularly mentioned, the "Prussian head" was necessarily included. Old Hans von Gagern, Henry's father, tried in vain to convince him that Austria would never consent to being pushed out of Germany except by force of arms. In December, 1848, Austria was still in such a dangerous position that a call to arms could hardly be feared, but the emergency

had to be considered. It was necessary to feel certain that the 326,500 men placed by the king of Prussia at the disposal of the provisional central power could be used against Austria. Could the Austrian archduke regent be expected to arrange that? Even if he retired and Frederick William felt inclined to fill his position, it was not certain that any of the other German rulers who had troops worth mentioning at their disposal would be willing to obey Prussian orders.

Unsophisticated and foolish remarks were made in this connection. The independence of Bavaria was desired by nearly all the representatives of that kingdom in the assembly. Hanover had only accepted the regency with certain limitations and would never have willingly consented to a Prussian central power. Archduke John received from King Frederick August a letter in which Saxony's reticence about parliamentary resolutions was explained at length. It was in the form of a personal exchange of ideas, but it is not to be presumed that Gagern's party did not learn its contents or that the new presiding minister retained any doubt about the Saxon king's attitude. On the 28th of November Frederick Augustus wrote from Wachwitz: "In my opinion all privileges of the Frankfort national assembly, and consequently also of the central power, are based exclusively on the consent of the legally existing German governments. Therefore

I cannot grant the national assembly any other authority than to agree with the governments on a German constitution. It was for that purpose that the assembly was called together by the then legally existing German central authorities, and this purpose is plainly mentioned in the law governing elections in Saxony. The Saxon deputies at Frankfort were elected for this purpose exclusively and have no other mandate. The right of legislating has never been granted to the Frankfort assembly. All limitation of the Saxon crown's rights requires the consent of the Saxon diet, which also will have to be consulted in regard to agreements about the future German constitution."

The Gagern policy, therefore, had no real basis, and consequently the installation of the Gagern ministry was the beginning of the process of dissolution in the Frankfort parliament. Gagern's programme could only have been carried through by a ministry in which Schmerling would have been associated with him, and under the two preliminary conditions that the national assembly renounced its putative sovereignty, and that there was an understanding with the German rulers including a pacific agreement between the Houses of Hapsburg and Hohenzollern. All indications point to the fact that Austria, as represented by Felix-Schwarzenberg and Franz Stadion, would have consented to such an agreement. A note of the Austrian min-

istry, dated the 11th of December, agreed fully with the Kremsier programme. The willingness expressed in it to establish a joint consular service for Germany and Austria may be regarded as the first practical application of the general principle of a separation bridged by many harmonious arrangements. The objection on the part of Schmerling, who immediately after his retirement from the ministry returned to Vienna, caused the Schwarzenberg ministry to take a vastly different view of the German question.

Gagern further injured his influence, and the high regard in which he had previously been held by the German governments, through upholding, on the 21st of December, the national assembly's resolution according to which the "fundamental laws" were published as part of the new German constitution to be valid throughout the German states. At a conference held on the 23rd of December with the plenipotentiaries of the German governments Gagern had an opportunity of convincing himself that a majority of the middle states, independent of Austria, no longer appeared willing to recognize the superiority of the central power and the parliament.

In January, 1849, the debating on the "German constitution" was finished up to Chapter III, "The Country's Head." Chapter I, "The Country," contained, besides paragraphs two and

three already mentioned, regulations regarding the character of the Union states (paragraph five), which declared: "The separate German states retain their independence as far as it is not limited by the new constitution; they have all state authority and privileges which have not been expressly transferred to the head of the country."

Chapter Two: *Reichsgewalt* (the central power's authority) attends exclusively to "the international representation of Germany and the separate German states abroad"; it appoints ambassadors and consuls and attends to all international matters (paragraph six). The *Reichsgewalt* alone is authorized to decide about war and peace (paragraph ten). The *Reichsgewalt* has at its disposal the entire military strength of Germany (paragraph eleven). The army consists of all the separate German states' land troops intended for war. The strength and quality of the army is regulated by the law on defense (paragraph twelve). The *Reichsgewalt* alone attends to legislation and organization regarding the army; it supervises their application in the separate states by constant control (paragraph thirteen). The governments of the separate states retain the right of appointing commanders and officers as far as required by the number of their troops. For larger military units, in which troops of several states are represented, the *Reichsgewalt* appoints the common commanders. In case

of war the *Reichsgewalt* appoints the commanding generals of independent corps and also the personnel of the headquarters (paragraph seventeen). The sea power is exclusively managed by the country as a whole. No separate state is authorized to maintain warships individually or to issue privateer licenses (paragraph nineteen). The seaports and mouths of German rivers (harbors, buoys, lighthouses, pilot system and channels) are left to the care of the separate shore states (paragraph twenty). The *Reichsgewalt* has the supervision over these institutions and establishments (paragraph twenty-one). Legislation about shipping, river tolls and duties, railroad system, public roads and canals is also attended to by the *Reichsgewalt* (paragraphs twenty-five to thirty-two). Germany shall form one territory in regard to customs duties and commerce, surrounded by a common toll boundary and abolishing inland tolls (paragraph thirty-three). Further details about this principle were contained in paragraphs thirty-four to forty. Legislation and supervision over the postal and telegraph systems and mints were treated in paragraphs forty-one to forty-seven.

Expenses for measures and institutions adopted in the country's interest will be paid by the *Reichsgewalt* from the country's treasury, which is thus established (paragraph forty-eight). To defray its expenses the country depends, in the first place, on

the income from customs duties and the common taxes on production and consumption (paragraph forty-nine). If the regular income does not suffice, the country has the privilege of collecting matriculation fees (paragraph fifty). In extraordinary cases the *Reichsgewalt* is authorized to levy taxes and make loans or incur other debts (paragraph fifty-one). There were special laws to determine "the extent of the country's jurisdiction," preservation of the country's peace, acquisition and loss of citizenship, homestead law, the regulation of clubs and meetings, preservation of genuineness of public documents, sanitation, citizens' rights, commerce and exchange, punishment and judicial proceedings (paragraphs sixty-two to sixty-seven). If in the common interest of all Germany common establishments and measures became necessary, the *Reichsgewalt* was authorized to pass for that purpose special laws in the form designated for a change in the constitution. This almost unlimited power is contained in paragraph sixty-three.

The diet, treated in Chapter IV, was to consist of members from the states' house and from the people's house. The states' house was to have 192 members, including 38 Austrians, 40 Prussians, 18 Bavarians, 10 Saxons, 10 Hanoverians, 10 Württembergers, etc. "In case the German-Austrian nations do not join the Union, some of the other states shall receive a larger number of votes"

(paragraph eighty-seven). "One-half of the members of the states' house will be appointed by the government, and one-half by the people's representatives of the respective states" (paragraph eighty-eight). "They are elected for six years; every three years there is a new election for half the number of members; reëlection is permitted. The people's house, consisting of deputies of the German people, will be elected anew every three years in accordance with a special law still to be passed. Members of both houses will receive compensation per day and a refund of traveling expenses to an extent to be determined later." "The members of the houses cannot be bound by instructions" (paragraph ninety-six). "A resolution in congress can only become valid by agreement of both houses" (paragraph one hundred). "A resolution in congress not confirmed by the highest government cannot be repeated during the same term. If the same resolution, without any change, has been passed in congress during three consecutive regular terms, it becomes a law at the close of the third term even if the government does not give its consent." This paragraph (one hundred and one) was drafted in opposition to the committee's proposal of giving the head of the country the unconditional, absolute veto power. On the motion of Undersecretary of State Fallati it was adopted by a vote of 275 against 187, which indicated that some of the

moderate democrats had left the center party. Welcker and Vincke made brilliant speeches in favor of the veto.

When debating began about the head of the nation, the strength of the various parties in the national assembly and also its position toward the governments had undergone great changes since Gagern took office. The weakness of his own party was shown when a new president of the parliament was elected. After the third ballot it was found that Dr. Edward Simson of Königsberg, who belonged to Gagern's party, had a majority of two votes; he was unusually competent to preside at meetings of parliamentary bodies, and his ability was believed to have influenced his election to some extent. Most of the Austrians had abandoned the ministerial majority; they met at the Hotel Schröder under Schmerling's leadership and not only opposed the leading center party, but also assumed a personally hostile attitude toward it. Würth's attack on the Prussian government and the fact that he compared Count Brandenburg's treatment of the committee sent to Berlin with that which Prince Windischgrätz bestowed upon Welcker and Mosle caused a scandal, into which President Simson, personally, was drawn in an unpleasant manner. Working in sympathy with the Austrians were the members of a new club started at the Pariser Hof; their leaders were

Welcker and Jürgens. This club declared that "the object of the constituting congress should be to procure the unity of the entire Fatherland and all its component parts on the basis of liberal institutions in the Union." As the center party tried to obtain the support of the right, a coalition was formed by the Austrians and "Greater Germans" with the "radical left." The radicals thoroughly enjoyed the increasing confusion, hoping to witness at last the defeat of liberal constitutionalism.

The division also extended to the club in the Café Milani, from which Vincke had gone over to Gagern, while Radowitz represented an artistically prepared constitutional system, through which Austria should remain in the Union. The Westendhall also lost to Gagern a Newwestendhall. As a whole, however, these changes left his power in the assembly so uncertain that his programme was adopted by only a slight majority.

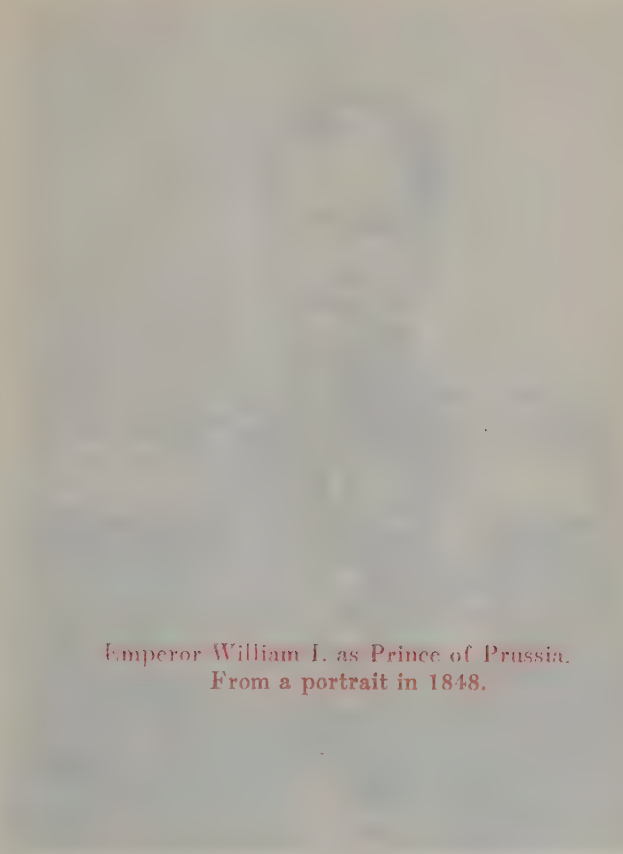
There was a much more important change in the Austrian policy, which Schmerling had carried through. He was the bearer of a memorandum in which Würth detailed at length his retrospective and anticipating views. In this document it was expressly stated that a new German union with a Prussian head would constitute a danger to Austria. There were also the following remarks: "There is an intention of giving Prussia all the extensive authority vested in the *Reichsgewalt* for

the purpose of attaining a strong and undisputed command over a new union state of thirty-three million people. That will destroy all the influence which Austria so far has had over Germany, and will give Prussia the wealth of power desired for a long time. Under these circumstances Austria will have to use her efforts in two directions, with the national assembly and in negotiations to be started with the ministry. In connection with the assembly nothing can be done except to accelerate the delayed elections and to call in all the deputies now on leave of absence for a numerical strengthening of Austrian interests now so weakly represented. The second reading of paragraphs two and three will occur in three weeks at the latest; on that occasion all the Austrian deputies ought to be present so that a modification of these paragraphs, which will prevent Austria's exclusion from the Union, may be carried through. To facilitate negotiations, it is necessary soon to obtain from Austria a declaration to the effect that she by no means refuses entrance into the German state, but, on the contrary, desires to remain in the Union and only asks of the national assembly due consideration for Austria's peculiar position."

Almost the same words were used in an Austrian note, dated the 28th of December, sent to Freiherr von Mensshengen for communication to the new German ministry. This note was the result of

meetings held by the Austrian ministry on the 26th and 27th of December with Schmerling's participation. It read: "Austria, today, is still a German Union power and has no intention of relinquishing this position, which has resulted from natural development extending over a thousand years. If it is possible, as we sincerely desire and expect, to bring about a closer blending of interests of the various constituent parts of Germany, and if the work of constituting, in which Austria participates, is completed in a propitious manner, Austria will know how to maintain her position in this new state body. At any rate it would be premature to regard now as an accomplished fact Austria's withdrawal from the 'Union-to-be-established,' as it is called in the (Gagern) programme. A settlement of the German question can only be reached by an understanding with the German governments, among which the Austrian imperial government occupies the first place."

Schmerling's programme, in opposing that of Gagern, was: No Germany without Austria; no Union unless Austria can be included; no German state in which Austria cannot hold the first place. This programme was negative in its form and contained a much greater mistake than that of the "Small German" party. Gagern considered it possible to establish a Union before trying out Prussia's power to force the other German governments



Emperor William I. as Prince of Prussia.
From a portrait in 1848.

into it, while Schmerling believed that Austria could forever prevent the formation of a suitable state for the German nation, because that was not in Austria's interest. He took the view taken by Metternich in 1814, and overlooked the importance since acquired by the people's will. He also misjudged the real interest of the Austrian monarchy, which pointed to a keeping together of all her power, which Metternich, if we may judge by a remark made by Frederick William IV, seems to have understood. Nobody had such a wrong opinion of Schmerling as he had of himself when saying that he was not suitable for the diplomatic service. He was a more practical statesman than Gagern, as he knew how to cross the intentions of his opponents and to prevent their work for the time being. Gagern, however, had a clearer view and sounder judgment. He saw in advance what was bound to happen sooner or later—a "Smaller Germany."

Honored by the confidence of the imperial family and authorized in several conversations with the empress-mother, Archduchess Sophie, at Olmütz, to explain his programme, which was fully approved, Schmerling returned to Frankfort as Austria's plenipotentiary. A contest then commenced between the Austrian and "Greater German" party, on the one hand, and the Prussian "Small German" party, on the other. This could only end

in the dissolution of the German national assembly. The battle raged with the sharpest kind of arms, and the bitterness on both sides was not confined to the club houses and St. Paul's Church, but filled all the newspapers. The German-Austrian question was discussed until it became almost unbearable; it was printed in thousands of articles. Busy people commenced to withdraw their attention from occurrences in Frankfort, because they no longer expected from that quarter anything to influence the Fatherland's destiny. The belief in the creation of a German state through the Frankfort parliament diminished from day to day. Even the fate of the members of parliament took an almost tragical turn. Painful experiences and bitter disappointment convinced them that all good intention, enthusiasm, trouble and devotion could do nothing for the national cause to offset the strife between interests, and that the finest oratory was powerless against political madness. On the 13th of January, 1849, the vote stood 261 against and 224 in favor of the ministry's programme, which Gagern on the 11th of the month had again explained in a brilliant speech.

After this defeat those familiar with state affairs could no longer doubt that the parliament was nearing its close. Laube wrote: "There was a presentiment that under such circumstances the work could hardly be completed by the first parliament. Emerg-

ing from the church at nightfall into darkness, only one thought remained clear in our minds; it always remained and never wavered. If a German state was ever to arise, the romantic, political confusion would have to make room for organic ideas. Only in such a manner could the people form a nation." The champions of unification, the veterans of the German uprising, Arndt and Jahn, spoke in a similar vein. The old father of gymnastics called the assembly "fatigued almost unto death," and said that there remained nothing to be done but to go home as soon as possible and make room for another assembly. This was done—but not so immediately as it might have been.

The last few months of parliamentary life in Frankfort caused many exciting scenes, many cumbersome conferences, much fine oratory, but no change in the destructive position created by Schmerling's influence on Austrian politics. Little of that which occurred in St. Paul's Church remained politically important. Decisions came from outside, and again first from Austria. On the 23rd of February Prussia, jointly with twenty-eight other German governments, held a conference through plenipotentiaries, and statements were made which, in spite of many objections, recognized the debates about *Reich* and *Reichsgewalt* as admissible. Afterward the Austrian ministry, having abandoned its own Kremsier congress and

published for Austria a centralistic constitution drafted by the government, offered for the German parliament a new programme which retained of the Frankfort draft only the states' house. Schmerling received a letter from his imperial masters, dated the 9th of March, in which it was said that the time had arrived for Austria to state her position about her relations with Germany. The following is an extract: "Austria, dependent on her own power and constitution, cannot tear her provinces from the close connection making the monarchy a unit. If Germany does not recognize this necessity the imperial royal government regrets that fact, but will not recede from this standpoint. Those who really desire Germany's unity will seek a way that will enable Austria, without abandoning herself, to remain in the great common Fatherland. Austria is ready to participate in the debates and actively to promote the common interests. Otherwise Austria would feel obliged to avoid the dangers necessarily resulting for the entire country from strife between the powers."

At the same time the Austrian minister, Schwarzenberg, announced through deputies von Sammaruga and Heckscher, who returned to Frankfort from Vienna and Olmütz, the principal items of the constitution on which, in his opinion, the new German Union ought to be based. They were as follows: The entire territory, including the

whole of Austria, to be divided into districts of which Austria would form one, Prussia the second, Bavaria the third, and the remaining German states four more. The central power to consist of a directorate having seven members, Austria and Prussia having two votes each, and Austria the presidency. The seven districts to be represented by a states' house with seventy members elected by the separate governments and chambers. There was to be no "people's house." This programme, which would have produced a middle European empire of seventy million inhabitants, was altogether outside of the constitutional system and of the conditions for a German state system demanded by the representatives of the German people.

This wholly reactionary plan practically dismissed Schmerling from his position at Frankfort. Windischgrätz had vanquished Stadion at Olmütz, and Schwarzenberg was following a course of which Schmerling did not approve. On the 12th of March the latter resigned his position of Austrian plenipotentiary with the central power and wrote to Schwarzenberg that "it would really place on him obligations disagreeing with his views." He also stated that he considered the creation of a German Union absolutely necessary, and that he would be acting against his own conviction by opposing it or interfering with its peaceable development.

Gagern's party now felt at liberty to disregard all consideration for Austria; and they proceeded to create their idea of a union state as quickly as possible. The incentive had been given by those connected with the "Greater German" party. When the national assembly reopened after the Christmas vacation the majority had become convinced that, if the German state was to be connected with Austria by a legal act, an hereditary emperor would be Germany's only suitable head, and that this emperor could only be the king of Prussia. This idea had been laughed at in the previous June, but was now recognized as a necessity, and justified by strong proofs. Professor Max Duncker, of Halle, prepared a legal opinion which formed the basis for a party resolution of the Casino club and which, after many debates, was adopted by the majority of the committee on constitution and included in Chapter III.

The principal paragraphs were as follows: "The dignity of head of the empire will be turned over to one of the reigning German princes" (paragraph sixty-three). "This dignity is hereditary in the House of the prince selected. It goes to the first born in the male line" (paragraph sixty-nine). "The head of the nation will have the title of emperor of the Germans" (paragraph seventy). "The emperor will have an income fixed by congress" (paragraph seventy-two).

The house debated on this chapter from the 15th to the 23rd of January; thirty-one orators were heard. Jahn demanded an hereditary emperor for Germany, "like a coachman on the box, a pilot at the helm, a cook at the range and a physician at the sick bed." Uhland expressed the following opinion: "There will be no head over Germany unless anointed by a drop of democratic oil." George Beseler predicted the establishment of a Protestant empire, "even if the world be full of devils." Beda Weber, from Meran, replied: "And if the world were full of professors it would still have to be a united, great and entire Germany, in which the German people's sovereignty would see to it that Catholics and Protestants can live side by side unharmed." The result was an almost childish ballot, in which not only the hereditary empire was rejected by a vote of 263 to 211, but emperors for life, twelve, six and three years were also voted down.

Among those opposed to a Prussian empire was Welcker, who desired to see the House of Austria made hereditary head of Germany, provided that Austria complied with the conditions necessary to enter Germany. On the 12th of March, after having satisfied himself of the correctness of the Austrian note received in Frankfort on the 11th, Welcker reversed his entire position and made the following motion: "The entire constitution of the

German nation, as recorded after the first reading with due regard for the governments' desires, should be accepted by a single resolution of the entire national assembly; any constitutional congress to have the privilege of further corrections; the hereditary imperial dignity mentioned in the constitution to be vested in the king of Prussia." After a preliminary debate in committee, this motion was discussed on the 21st of March, and nobody filed more vigorous accusations against Austria than Welcker, the former member of the "Greater German" party and proclaimer of Austrian imperial rights. He said: "The offer of Minister Schwarzenberg makes me feel ashamed and indignant. No Union state, no people's house for Austria, but Croatians, Magyars, Italians and Galicians. Where is the man in these rooms who declares our assembly and the German nation bankrupt? Do you wish to throw away the people's sacred mandate of creating a German parliament? Do you mean to place it at the feet of these cabinet resolutions by still thinking of a connection with Austria in a new Union? Austria broke the Union of 1815 by adopting a separate constitution without regard to the Union treaty; she has no longer any right to claim a treaty."

An appeal to the Austrian deputies not to prevent by their vote the preservation of the Fatherland and the establishment of new, healthy conditions

remained fruitless. Only two of them would admit that the breach was complete and that it was no longer compatible with their personal honor to act as members of the constitution-making parliament and there fight the brothers from whom they had to part. One of these men was Arneth, highly respected and popular, who later became director of the Austrian court and state archives; the other one was Understate Secretary von Würth. Many of their countrymen, who, by order of the Austrian governments, hurried to Frankfort during the last few days preceding the decisive ballot, made common cause with republicans, anarchistically inclined radicals and ultramontane particularists, and up to the last moment did everything in their power to prevent the peaceable creation of a German Union. It is certain that they were partly responsible for the mistakes of their government.

On the 21st of March Welcker's motion was rejected by a vote of 283 against 252. Gagern's ministry resigned. On the 22nd of March Gagern handed the regent a document, in which he assigned as the reason for resignation Welcker's motion, which the ministry had not originated, but considered worthy of support. He wrote: "Your Imperial Highness knows that Denmark has given notice of ending the truce, so that the resumption of hostilities is very likely, although there is still some hope that this may not occur at once. Your

Imperial Highness also knows that the larger German states obeyed the instructions of the provisional central power in a very limited way only. The most definite delinquency was on the part of Austria, and if Germany now should become involved in any war she probably could not expect any support from Austria. Bavaria and Saxony, encouraged by Austria's example, continue their resistance against the central power's instructions. The lack of contributions for the nucleus of a German navy makes the existence of this young national institution doubtful. Germany's power is based on Prussia's power. The support heretofore devoted by Prussia to the central power in the interest of the entire Fatherland may change after yesterday's vote; because the vote demonstrated the great differences between the parties in the national assembly and showed an unnatural coöperation of widely diverging interests with the deliberate intention of opposing the party in sympathy with the ministry. Hence the national assembly's ability to complete a constitution for Germany and particularly to solve the problem of finding a suitable head for the united nation must be doubted until there again exists a majority agreeing in principles."

In the correctest form and with thoroughly convincing proofs, Heinrich von Gagern with these words announced not only the close of his ministry

but also the end of the Frankfort parliament. His party would have given proof of high intelligence by recognizing the uselessness of further efforts and by promptly leaving the assembly in a body, thus preventing a shameful and unnecessary performance. These brave men, who so far had done their work correctly and courageously, were deceived about the real situation through small successes, such as petitions from South Germany with twelve thousand signatures demanding a Prussian emperor. They still believed in their ability to found a German state through more favorable ballots. Even a bright man, Rümelin, wrote home: "A German Fatherland is no longer a dream and empty ideal; it is here; the child was born and is full of life; we shall see to it that it will grow and gain strength." Artful delays and parliamentary tricks at the third reading of the constitution, in which the absolute veto power had been rejected by twenty votes, produced on the 27th of March the remarkable result of accepting the hereditary empire by a vote of 267 against 263, a majority of four, and on the 28th of March the election of Frederick William, king of Prussia, as "Emperor of the Germans," by a vote of 290 against 248 members who abstained from voting.

On the 3rd of April a deputation sent by less than half the members to the king of Prussia received the deserved reply. Frederick William used

such amiable words that the deputation seemed to feel his regrets at being obliged to decline. His refusal, however, was definite and based on the opinion repeatedly expressed by him on this subject; he said: "I could not justify your confidence. I could not act in accordance with the German people's desires. Germany's unity would not be built up if, by disregarding sacred rights and my previous solemn promises, I should undertake, without the free consent of the crowned heads, princes and free cities of Germany, anything that would have the most serious consequences for them and the German people governed by them. It will now be for the governments of the separate German states to examine and debate jointly whether the constitution would be suitable for each and every one, whether the privileges intended for me would enable me to rule with a strong hand, as such a position would require me to do, the destinies of the great German Fatherland and to fulfill the hopes of the German people. Germany, however, may feel certain—and that, gentlemen, you may proclaim everywhere—that should she ever require the Prussian shield and sword against foreign or native enemies I shall not fail to appear even without a call; I shall then confidently follow the road of my House and my people, the road of German honor and loyalty."

As a man who respected his own word, Frederick

William could not have said anything else or acted differently. Even though this decision seemed to give him great pain, and though his ambition may have been sorely tried, there was nothing else to be done. The king of Prussia's refusal to accept the Imperial dignity closed the Frankfort parliament's last act of political importance.

PART II

PRUSSIA'S MILITARY ASCENDANCY

CHAPTER VII

THE FIRST QUARREL WITH DENMARK

WITH the doom of the national assembly all the attempts by which the German people had striven to gain a national constitution ended in failure. It had, however, been shown that Germans were practically unanimous concerning the aim which they wanted to accomplish. They differed only as to the means. Here the greatest divergencies of opinions prevailed between particularists and unionists, between clericals and secularists, between monarchists and republicans. These differences of opinion, maintained with acrimony, were the chief cause for the doom of the national assembly. Not until the following decade was political intelligence sufficiently matured to reach the realization that in the political world there are private interests which must be considered as well as abstract principles, and that com-

promises have their justification as well as stubborn persistence in ideology. Amid all the brilliant coalition of intellectual forces at Frankfort the spirit of political ignorance prevailed. The endless disruptions of the old empire, which had prevented the common development of great political conceptions had their after-effect. This was also true in regard to that peculiar, purely intellectual education of the nation in subjectivism which, in almost complete political seclusion, had progressed in the domain of the highest cultural life from sentimentality to classicalism and romanticism. However, there could be no doubt that the faults which caused the dissolution of the national assembly, so far as their origin was concerned, belonged to the past. The gathering of such an assembly alone proved that the people were living in a more realistic period and that the time of political understanding was approaching.

A second, less important cause for the failure of the national unity movement can be found in the constant increase of the importance of radicalism during the time of the revolution. It is in the psychology of every upheaval to give room gradually to the more unrestrained, less meditative and less strong-willed forces; and this increase in Germany, if measured by the course of non-German revolutions, was certainly slight. Nothing, however, can prevent the pernicious effect of radicalism when it

breaks forth into the conscious construction of incompatible contrasts and in the challenge to open violence. The national assembly was not destined to create anything conclusive. But in outlining general political aims, in which it had been successful, it had formed building stones for a better future.

The foundation of the customs union (*Zollverein*) in the thirties had begun to create a community of material interests for everything that was German, and now the movement of 1848 developed far beyond this, by creating a community of all politico-national interests. For this solidarity was not lost, even if in the beginning it only expressed itself at great national festivities, for instance at the celebration of the centenary of Schiller's birthday, and at the commemoration of the battle of Leipzig. It was visible also in clubs with a politico-national tendency; in the gymnastic clubs; in the rifle associations; and above all in the national society founded in later years by Bennigsen.

The national assembly in its debates had already given plain hints concerning the way to create a future united Germany. The fact was made clear beyond all doubt that a new united Germany would not be republican but monarchical. Furthermore it was absolutely certain that this new Germany would have a popular representation. And, finally, it was obvious to every thinking man that to begin with

the Union could only consist of the smaller Germany under Prussia's leadership, and that only afterward a union with Austria in keeping with the international law could follow.

In the year 1849, though, the people could see behind them nothing but failures. The fact that a totally different way of thinking, a more liberal conception and manifestation of political matters, had developed for all times was overlooked. The national circles of the educated classes abandoned themselves to resignation and even to despair. It was the time when such a true German as Gottfried Keller, who observed events from a distance, could say:

> "Es ringen die Ströme gewaltig zu Tal,
> Die Deutschen nach Einheit mit Feuer und Stahl.
> Der Neckar erreicht den wallenden Rhein,
> Doch ewig muss Deutsche Zerrissenheit sein."

Those were the years when in the *Fliegende Blaetter,* which at that time devoted some space to political satire, the "German Michael" could be seen regularly as a typical figure, sometimes meditating and dreaming in a lotus cup, sometimes as an author underneath a gibbet with the rope round his neck and behind him a military hangman, and sometimes standing weeping beside his mother, Germania, whose fine physique had been shattered by medicines of every description. It was the time of bringing up threatening and scoffing reminiscences

of the bygone days. Of the protracted summer sessions of the national assembly Dingelstedt says:

"Grundlich ergruenden sie drin des Volks zu begruendenden Grundrecht,
Draussen indes grundschlecht wird es dem Volke zumut."

And Freiligrath conjured up those most remarkable of all Berlin revolutionary scenes in the memory of thousands, the stately procession of the people with the fallen heroes of the revolution in the palace yard:

"Die Kugel mitten in der Brust, die Stirne breit gespalten,
So habt ihr uns auf blutgem Brett hoch in die Luft gehalten.
Hoch in die Luft mit wildem Schrei, dass unsere Schmerzgebärde
Dem der zu töten uns befahl, ein Fluch auf ewig werde."

However, what was the use of all the grief and retrospection? One had to look into the future. And here the question was, since the people had failed to create order through their strongest popular effort, whether the governments might not be asked to make another attempt to establish German unity. For the present nothing had been attained in national matters, or even within the domain of the old federation. The regent, Archduke John, and his ministry had been left with absolutely no influence nor power whatsoever. Yet something had to be done unless all the previous work and effort were to be given up as useless.

Presently Austria and Prussia, each in her own

way, took a hand in the work, and acquired, as they soon realized, complete domination over the national movement. They had exchanged ideas regarding the construction of a new Germany more than once during the whole of the popular movement. In Prussia original ideas about the development of a new Germany can be traced back to the first years of Frederick William IV. As early as 1843 Radowitz, as Prussian ambassador in Carlsruhe and soon afterward as military plenipotentiary in the federal diet, was influenced by liberal and national tendencies, and worked out the plan of a federal reform. He suggested the extension of the *Zollverein* for the whole of Germany; the uniformity of weights, measures and currency; a German homogeneous commercial and colonial policy; a German railroad system; a common right of immigration; a common law; the establishment of federal treasuries; and the appointment of experts for the federal diet. But it was not until November, 1847, that a memorial issued by him, and containing these demands, was sanctioned in its chief points, and that negotiations regarding these were opened with Austria.

But before our narrative can go into the details of these negotiations it will be necessary to iterate once more the position which Frederick William IV occupied at this moment in relation to these important questions. Upon him everything depended in

case of diplomatic action, because of the arbitrariness and the stubbornness of his nature and of his rule. In his anxiety regarding the unity of the nation Frederick William was evidently pursuing also national aims, and it is clear that from this standpoint he never wholly renounced the idea of becoming German emperor. But the only means for achieving this ambition, the utilization and leadership of a popular liberal movement, he would not adopt. On the contrary, he hated this course from the bottom of his heart. That liberal and national tendencies were inseparably connected, that they were only different expressions of the inner life of the nineteenth century, seemed too difficult to be understood by his limited political talent. On the contrary, he sought to reach German unity through "legitimist" means, and negotiations with the German princes, therefore, played the most important part in his policy. Naturally this manner of procedure drove him again and again into the arms of Austria, the guardian of German and European legitimism. And therefore it can easily be understood that he never emancipated himself from the administration of and moral subordination to Austria.

A direct consequence of this royal "complexity of ideas" was the failure of the Prussian endeavors to establish a national unity. In addition to this failure both Prussia and its ruler had to suffer the

worst humiliation. The first attempt of Prussia to achieve an imperial constitution through free negotiations with the individual states began at a moment which was, in a certain sense, not at all inopportune. It is true the states were displeased with Frederick William IV, because his refusal of the Frankfort imperial dignity had been only partial and conditional. But when the dissolution of the national assembly began and revolutionary powers were rising everywhere, the smaller states turned involuntarily again to Prussia, which actually quelled the riots in Saxony, in the Bavarian Palatinate and in Baden, in May and June, 1849. The time was favorable to Prussia until well into June, but it had to be utilized quickly.

The first step taken was the presentation to the governments of a new constitutional scheme as a basis for all debates. It approached rather closely the constitution developed by the Frankfort assembly, although it was more conservative and more monarchical. The hope of the leaders in this new movement was to succeed in separating the moderate liberals from the radicals. The soul of the plan was General von Radowitz, who had gone from Frankfort to Berlin and soon afterward entered into relations of intimate friendship with Frederick William IV. But the leaders did not want to break with the old federal law, and in order to defend the right of the individual sovereigns, who

might join the new empire, they referred to article 11 of the old federal statutes, according to which it was left to the discretion of the various sovereigns to conclude alliances except when these militated against the safety of the federation. This was a first fatal mistake; Austria in her endeavors to go back to the old constitution concluded from it that Prussia was still adhering to the same. Furthermore Berlin cherished the hope that Austria would participate in the debates on the new constitution; but she promptly declined the invitation and significantly hinted that the hoped-for achievement of a new constitution might be a cause for war. On the other hand, Hanover and Saxony sent their delegates to the conference in Berlin, beginning on May 17, 1849. Bavaria also participated in it during the first few days.

Presently, on May 26, 1849, an agreement was made between the negotiating states which contained the following provisions: Between the three kingdoms, Prussia, Saxony and Hanover, a defensive federation was formed for the period of one year, the federation being also open to all the other German states desiring to join. The management of the foreign federal affairs was placed in the hands of Prussia; the internal administration in those of a council. A constitution scheme was to be discussed by an assembly which was to convene in the near future, but all proposed changes

must be sanctioned by the various governments. This agreement was signed on May 27 by Hanover and Saxony, with the reservation, however, that they should consider themselves bound only in case that the new constitution became the common property of the entire nation, excepting Austria. In case the South did not join before the convocation of the general assembly, they reserved to themselves the right of renewed negotiations for the purpose of a reconstruction of the constitution. This reservation was accepted by Prussia and at the same time invitations to join were sent to all the German governments.

All these steps were very successful at first. Just at that time Austria was hampered by the Hungarian revolution, while Prussia had suppressed the one in Baden. Under this double influence a large number of states joined; only Bavaria and Württemberg continued hesitant. At the same time prominent members of the hereditary imperial party of the Frankfort parliament, among them Gagern and Dahlmann, in the so-called "After Parliament" at Gotha, took up the constitution evolved by Prussia and resolved to work for its acceptance. In Erfurt the administration council of the new federation was already debating and preparing the necessary steps for the future federal diet.

But during these events Austria recovered her-

self. The Hungarian revolution was crushed in July, with the intervention of Russia. The consequences were soon felt in German conditions. At the instigation of Austria, Bavaria and Württemberg showed themselves less and less inclined to join the federation; Saxony and Hanover, who were already members of it, made difficulties. And when in October Prussia raised the question of the convocation of the diet, Hanover filed a protest with the consent of Saxony. Beginning with October 20 the representatives of these two kingdoms no longer attended the sessions of the administration council.

Prussia, however, was not at all disconcerted. On January 15, 1850, the elections for her proposed diet took place, and the opposition of the Austrian party increased again by one degree. On March 15, 1850, the king of Württemberg appointed a reactionary ministry instead of a liberal one; on May 27, in his speech from the throne, he called the federation an artificial attempt at a separate union, and the German union of states the most dangerous of all dreams. In Electoral Hesse, on February 23, Minister Hassenpflug took the place of the liberal minister Eberhard, an action which could only be construed as the beginning of the withdrawal of Electoral Hesse from the Prussian union. Yet Prussia continued in its work. On March 20, 1850, the diet convened in Erfurt.

As the radicals had refrained from voting at the elections, this latest diet was more aristocratic than previous assemblies, and in addition it included an abundance of clever brains. Through the endeavors of the so-called Gotha party, in which the hereditary imperials met under the leadership of Duke Ernst of Saxe-Coburg-Gotha, the delegates agreed upon the acceptance of the constitution plan as a whole, and also gave their consent to various amendments desired by the governments, so that the constitution of the "Union" (as the federation was now called) was established on April 29, 1850.

At the very moment of its formation, the existence of the Union was seriously threatened. Austria had looked upon its development with increasing displeasure. Schwarzenberg, on November 28, 1849, had declared in Berlin very decisively that he did not find the procedure of Prussia to be compatible with the fact that she was still considering the old federal statutes as valid, as Prussia had intimated by her reference to article 11 of those statutes. Schwarzenberg had also declared that there was no justification for the existence of the Union, as it did not conform to the spirit of the old federal constitution. Furthermore Austria had attempted to carry out her old plan of the creation of a federation consisting of six districts under royal district lieutenants and including the whole of Germany. To this end negotiations had been car-

ried on with the royal middle states in the winter of 1849-1850, but without success. Thereafter Austria had simply had recourse to a revival of the old federal diet.

The position of this half-forgotten and once wholly rejected federal diet was as follows: The regent, Archduke John, had his functions assigned to him in a twofold way: from the old federal diet and from the national assembly. Consequently he could be regarded as the legal successor of the federal diet. When afterward the national assembly dissolved, in August, 1849, the regent had felt the need to resign. He therefore transferred his rights to a provisional central authority which consisted of commissioners whom Austria and Prussia had sent jointly and which was to exist until May 1, 1850. Could not this new Frankfort provisional central authority be considered a continuation of the federal diet in a much stronger sense? And was it compatible with the spirit of the new Prussian policy that Prussia had been instrumental in its establishment? Austria, quite logically, issued a circular in which she called an extraordinary plenary meeting of the old federation for May 10, 1850, at Frankfort, in order to replace the provisional central authority, whose functions ceased on May 1, by a permanent federal organization.

All this would have been of no great significance if Frederick William IV had adhered to the points

which had been dominant in establishing the federation of the three kings and of the Union. But these, and the Union as a whole, had now lost all interest for the king. Many changes had taken place since the fixing of the constitutional plan of the Union from May, 1849, to May, 1850. Prussia had recovered from her subjection to her own liberal party, and everywhere appeared visible signs of an increasing reaction. The constitution which Frederick William had granted in May, 1849, now appeared to him much too liberal. And in this opinion he was strengthened by the Prussian Junker party which was being formed. He was only half-hearted in following his former plans; and so the new Union faded through lack of any vigorous support.

Nevertheless Prussia issued a circular on May 1, as a countermove to the Austrian circular, inviting the union princes to a congress in Berlin, to acknowledge the Erfurt constitution. The congress was actually in session from May 9 to 16, but the results were almost nil. Only the smaller princes would recognize the constitution. The opposition was led by Electoral Hesse; and when the elector of Hesse in the meeting of the princes kissed Frederick William IV, the duke of Brunswick called out loudly: "*Judas!*" Hassenpflug had already announced that he would break the Union from within. Thus nothing else was accomplished but

the recognition of a union ministry in place of the former administration council.

This internal discord further encouraged Austria. According to the proposal of the few states which had met on May 10, in Frankfort, she issued a circular in which the reopening of the federal diet was announced for September 1, 1850. The nation now had the prospect of two central authorities after September 2, 1850: a Prussian and an Austrian, the union ministry and the federal diet.

This was a state of affairs which could only lead to the most serious conflicts. These conflicts broke out in the German questions which in those days were in the foreground of public interest—the Hessian constitutional problem and the Schleswig-Holstein question. In both of these Prussia took a considerable interest. Hesse belonged to the Union and the military roads lay in her territory between Prussia's western and eastern provinces because Hesse separated Prussia almost into territorial halves. As to the Elbe duchies, Prussia had hitherto conducted the Schleswig-Holstein affair in the name of the federal diet and of the Frankfort national assembly. Both matters now came also before Austria's newly opened federal diet. Thus a double possibility of conflicts existed: Hesse and Schleswig-Holstein.

In Electoral Hesse, since 1831, a constitution had prevailed which was comparatively liberal. At

least it secured the administration and fiscal authorities against arbitrary interference on the part of the sovereign. This, however, was not to the liking of the elector of Hesse, another Frederick William. A highly gifted man, but brought up in immoral family surroundings, joined to the lady of his choice in morganatic marriage, so that succession was denied to his children, he regarded his reign only as an opportunity for personal gain. Here, however, he was opposed by the constitution with its control of the financial administration and a definitely fixed civil list. As early as 1847 Frederick William of Hesse attempted a *coup d'état;* but the officers of his army had not shown any inclination to join him in his purpose, and Metternich had checked him by warning him against disobedience to the federal diet. In 1848 the Hessian ruler even had to make some new liberal concessions. After this he joined the Prussian Union, hoping to get some assistance in extracting money from his own diet. In this expectation, too, he was disappointed. He then became the bitter enemy of the Union and appointed a new minister, Hassenpflug, a man who already in the thirties had been Hessian minister and who had been battling with the diet, an absolute fanatic for absolutism and orthodoxy, and, in addition, possessed of an incredible boldness in choosing his means.

What happened in Hesse during the following

months is almost unbelievable. From February until September, 1850, Hassenpflug asked the diet to grant the state revenues and taxes; but at the same time he refused to present a budget, although it was known that the draft lay ready in the ministry of finance. The members of the diet therefore refused their authorization for the levying of the direct taxes. When afterward Hassenpflug, on September 2, in spite of the action of the diet, ordered the revenue authorities to levy these taxes, the latter refused this as a violation of their oath of allegiance. This result did not disconcert Hassenpflug at all. On the strength of a federal law, which had been repealed in the year 1848, he now declared the country under martial law. And when the authorities did not recognize this declaration he induced the elector to leave Cassel with him, so as to prove a state of rebellion. They both went to Wilhelmsbad in the province of Hanau, where they were close to the restored federal diet; and Hassenpflug actually brought this unfortunate affair before the federal diet with Austria in the presidential chair. On September 17 the matter was still in its report stage, and already on September 21 the diet resolved that the electoral government should speedily send in a report concerning the means which it had taken to quell the riot. The procedure of the Hessian assembly was declared tantamount to a refusal to grant the taxes, and it

thus became the duty of the federal diet to promise the Hessian government the necessary help for the suppression of the "revolution."

Naturally Hassenpflug, the *Hessen Hass und Fluch* (the Hessians' hate and curse), on returning to the humbled Hessians, proceeded to make further demands. On October 2 he subjected the country to a military dictatorship and everywhere only martial law was to be applied. But these means also failed. The state assembly charged General Haynau, commander-in-chief at the military auditor's office, with oppression and violation of the constitution. The charge was upheld and, on October 9, 233 officers, including 4 generals, 7 colonels, 20 lieutenant colonels, 13 majors, 59 captains and 80 lieutenants, demanded their discharge. With this the internal Hessian means for compelling obedience were exhausted. Nothing remained possible but mediation, or a forcible quelling of the disturbance from outside.

Immediately there was a clash between Austria and Prussia. The federal diet wanted to proceed to the execution under Austrian influence, and Prussia protested against such a procedure. Austria, however, this time was certain of her case. She knew that the Russian czar, who during these years had arrogated to himself the right to interfere everywhere in Germany in favor of the reaction, was furious over the occurrences in Hesse and wished

a speedy restoration of the elector. She saw how all the middle states were pleased to regard the Hessian affair as a means to break the Prussian Union, and she therefore acted promptly. On October 11 the monarchs of Austria, Bavaria and Württemberg met in Bregenz and resolved to oppose the Hessian "rebellion," and soon after this an executive army from Bavaria and Austria marched into Hesse. In the meantime, however, Prussia too had sent troops, which had occupied Cassel and which were marching toward Fulda in the South. Meanwhile the federal troops were approaching Fulda; and everything seemed balanced on the edge of a sword. On November 8 an exchange of bullets took place at Bronzell between the outposts of the two armies, which luckily only cost the life of a horse. This clash was later explained as a misunderstanding.

The honor of Prussia would now have demanded firmness and, if necessary, *war*. This, however, was far from Frederick William IV. Inwardly he did not sympathize at all with Hesse, which was revolutionary according to his opinion. Moreover he still retained his old respect for Austria and was thus swayed by conflicting emotions. His orders to the Prussian commander, Count von Groeben, were correspondingly uncertain. Everything thus seemed to be ready for an explosion in Electoral Hesse.

Precisely at this juncture the Schleswig-Holstein question arose once more to complicate matters still further. Our narrative has followed the Schleswig-Holstein affair up to the armistice of Malmö of August 26, 1848, which was so inglorious for Prussia. After this armistice there had come peace negotiations in the autumn of 1848. These, however, had not led to any result, as Denmark in her claims was certain of the support of England and Russia and also of the sympathy of Austria. In April, 1849, hostilities in the Elbe duchies began anew. On April 13 the Düppel fortifications were stormed by Bavarian and Saxon troops, and on April 20 the Prussian General von Bonin, chief in command over the Schleswig-Holstein troops, defeated the Danes. Diplomatic considerations then intervened to make the contending forces more equal. Prussia, because of her weak position in Germany, wished to be rid of the handicap of the northern war; she did not conduct it with great alacrity and in consequence the Schleswig-Holstein troops suffered a defeat near Fredericia on July 6, 1849.

The indignation about these events was already great in Germany; it grew when the people learned of the result of the diplomatic negotiations in the armistice and in the peace preliminaries of the 10th of July, 1849. In these preliminaries the separation of Schleswig from Holstein was agreed upon

for the present. The latter was to remain under the governorship established by the central authority; Schleswig, however, was to be governed in the name of the king of Denmark by an oligarchy of three members, at the head of which there was an Englishman. Of course Holstein protested against this solution, which was almost in accordance with the original proclamation of King Christian that had started all the trouble. This protest was joined by several German governments and only five acknowledged the agreements.

Meanwhile, in January, 1850, Prussia began negotiations regarding a final Danish peace. They were dragged out indefinitely, and Prussia lost in them one position after another. At the same time the relations with Austria and Russia grew worse because of the union negotiations, and even a meeting of the prince of Prussia and Czar Nicholas did not alter the situation. On the contrary, Nicholas peremptorily demanded a conclusion favorable to Denmark. This was established on July 2, and delivered the whole of Schleswig-Holstein into the hands of Denmark. It was left to the king of Denmark to use all means which would serve to overcome the resistance of Schleswig-Holstein, and a hereditary succession was to be established which equally embraced all the states of the kingdom of Denmark.

The people of Schleswig-Holstein, having foreseen this wretched ending, had made their preparations. They remained under arms. The Prussian General von Bonin was replaced by Lieutenant General von Willisen. The latter, however, was unfortunate in the field; on July 24-25, 1850, he suffered a defeat at Idstedt, and on September 12 at Missunde, while on October 4 he undertook an unsuccessful attack upon Friedrichstadt. All Germany hurled complaints and reproaches against Prussia on account of these events. On the other hand, the great European powers held Prussia responsible for the eternally unsettled Danish affair, and the czar in particular wished to enforce peace by employing his own armies to crush the feeble duchies as he had crushed Hungary. All these difficulties came upon Prussia at the same moment when she saw her honor at stake in Hesse.

An honorable settling of this situation could only have been found in a war against Austria and the German federation, perhaps also against Russia. This the Prussian statesmen had no desire of risking; and the king, wavering in his opinions, followed their advice. On October 15 the Prussian prime minister, Count Brandenburg, went to Warsaw, where Czar Nicholas was then staying, in order to induce him to support Prussia in the Hessian affair and in the Union, and in return to regulate with him, as he wished, the Schleswig-Holstein

question. But Emperor Francis Joseph and his foreign minister, Prince Schwarzenberg, also appeared. Naturally, with the sympathies and the antipathies of the czar, it was an easy matter for them to draw him to their side. For Prussia he only had various friendly advices which meant her humiliation. Count Brandenburg therefore returned with bad news. In the German question of the constitution free conferences of the German states at Dresden had been proposed, the result of which, according to the existing circumstances, could only be the restoration of the old federal constitution. In the Hessian affair there was no change in the design to suppress resistance by the federal army. In the Schleswig-Holstein matter Prussia's stand was hopeless; there was no longer any question of German help against Denmark.

In the beginning of November Brandenburg appeared in Berlin with this news and with provisional agreements of Prussian submission. He did not advise the king to go to war and so had no redress to offer. Brandenburg soon afterward died of a virulent nerve fever. At the same time Radowitz resigned, and Otto von Manteuffel took charge of the foreign office.

Meanwhile Austria and the German federal states were preparing more and more in earnest to advance against Hesse. A great war seemed to be unavoidable. Russia, too, began to mobilize, and

finally also Prussia, on November 5th. But was Frederick William IV in earnest? The greatest enthusiasm for the war prevailed among his people; but even while the king was mobilizing he issued apologizing explanations to all sides. Prince Schwarzenberg triumphantly exclaimed in Vienna, "Now that Prussia is mobilizing, peace is assured. The mobilization is the bridge for Prussia's ruler, across which he can retreat honorably." This actually happened on November 15. Prussia moved in the Union for the nullification of the constitution of May 26, 1849, and waived her plan of unity for an indefinite time. The Hessian matter was half abandoned, even before an Austrian ultimatum arrived. Yes, once on the downward path and frightened by the news of a mobilization of the French on the Rhine frontier, Prussia was ready for an unconditional surrender to Austria at every point.

On November 27 Minister von Manteuffel, following a request made by Frederick William IV to Schwarzenberg, went to Olmütz for a meeting with the latter, which took place on November 28-29. Manteuffel, in the name of Prussia, renounced the Union, the essentials of a further intervention in Electoral Hesse, and approved the submission of Schleswig-Holstein under Denmark. In Hesse the federal executive troops advanced without encountering any obstacles. Then followed the so-called

"billetings" upon refractory citizens, and the military intimidation of the administration. After this restoration of the sovereign prestige, the elector returned to Cassel on December 27, 1850, and began his violent régime again. In Schleswig-Holstein, Prussia and Austria jointly agreed upon advancing their troops if the duchies would not submit to Denmark. In this case the assemblies of the duchies could do nothing else but discontinue all resistance. On January 11, 1851, they renounced all further proceedings. For Denmark herself the undivided hereditary succession was conferred upon Prince Christian of Glücksburg, by the London agreement of May 8, 1852. Prince Christian was the only one of all the Schleswig-Holstein princes who had fought on the Danish side.

The general German federal conditions were now arranged on the Austrian plan. The Dresden conferences which had been agreed upon at Warsaw, and which took place on and after December 23, 1850, did not bring about any reform of the old federal constitution. Neither, however, did Austria succeed with her scheme of the six district lieutenants. The small federal states opposed this under Prussia's lead, but the latter had to yield in acknowledging and attending the Frankfort federal diet, through which all further discussions and difficulties were to be settled. In other respects the achievements of the Dresden conference, which was

prolonged into May, 1851, were nothing positive, but only "valuable material," an expression which was invented in those days by Schwarzenberg to gild and palliate all these profitless reactionary results.

CHAPTER VIII

REACTIONARY ATTEMPTS AGAINST PRUSSIAN LIBERTY

NOT one of the honest efforts of the German people, persisted in through 1848 to 1850, was really lost. The foundations of German unity were laid in those trying days. The first result showed in the mutual approach and cooperation of the princes in a federal body on the basis of old sovereign "legitimist" conceptions. It was perfectly clear even then that the coming years and decades must bring the unity of Germany in an amalgamation of these two elements, the rulers and the people. We know that it finally found its expression in the fundamental institutions of the new empire, in the *Reichstag* (German imperial parliament), and in the *Bundesrat* (federal council).

The period immediately after 1850, however, was by no means characterized by aspirations in this direction. On the contrary, there followed nearly a whole decade of political exhaustion in the national circles, a period similar to that of the twenties, only still more despairing, still more pessi-

mistic. The intellectual movement, too, went astray at this time and deviated from the path of sound realism into materialism and pessimism. All the still dangerous forces of a bygone past which were not in sympathy with the liberal ideals ventured to the fore and once more sought to gain the upper hand. Above all, the old hierarchy, Protestant-orthodox and Catholic clericalism, and the supporters of absolute autocracy, tried to combat the liberal movement.

After the restoration of the federal council and the victory of legitimism involved therein the particularistic interests came again to the surface. The smaller states strove to help themselves, and in most of them the people had recourse to the forms of the territorial state life of the seventeenth and eighteenth centuries. The national and liberal forces naturally opposed this. But while the individual states now experienced the effects of the political contrasts, they also divided sharply into the various social classes. The bourgeoisie became the advocators of the liberal and particularistic ideas in a far stronger degree and more exclusively than ever before; while on the other hand the old privileged classes of the nobility and officialdom proved themselves conservative and reactionary. The central point of these struggles naturally was the federal diet, the constitutional German organ, because the nobility in their complaints regarding abuses of

civic liberalism appealed to the diet and dragged it into the particularistic struggle.

As might have been expected, the federal diet usually sided with the nobility against the liberals and thus manifested also an activity in a reactionary sense. The success of this development, however, was less fortunate than that the federal diet had previously experienced in the thirties. It is true, in those days it had acted, upon Austria's instigation, chiefly in a repressing, depressing manner, but at any rate it had always remained the executive organ for the reactionary-legitimist endeavors of the greatest German particularist state. Now, however, it could only be stirred up when the particularist nobility, chiefly that of the small territories, became unduly excited, whereupon it reacted in the form of a reflex motion, as it were, with some retrogressive measures.

This could be seen most distinctly in the conditions of Mecklenburg. Grand Duke Friedrich Franz II of Schwerin had granted to his people a charter which was by no means erring on the side of liberality. But immediately after the revolutionary movement had subsided, the nobility protested with their head several hereditary agnates of the reigning House. They appealed to the federal diet, in which a "central federal commission," commonly called the "reactionary committee," had been appointed to adjudicate such

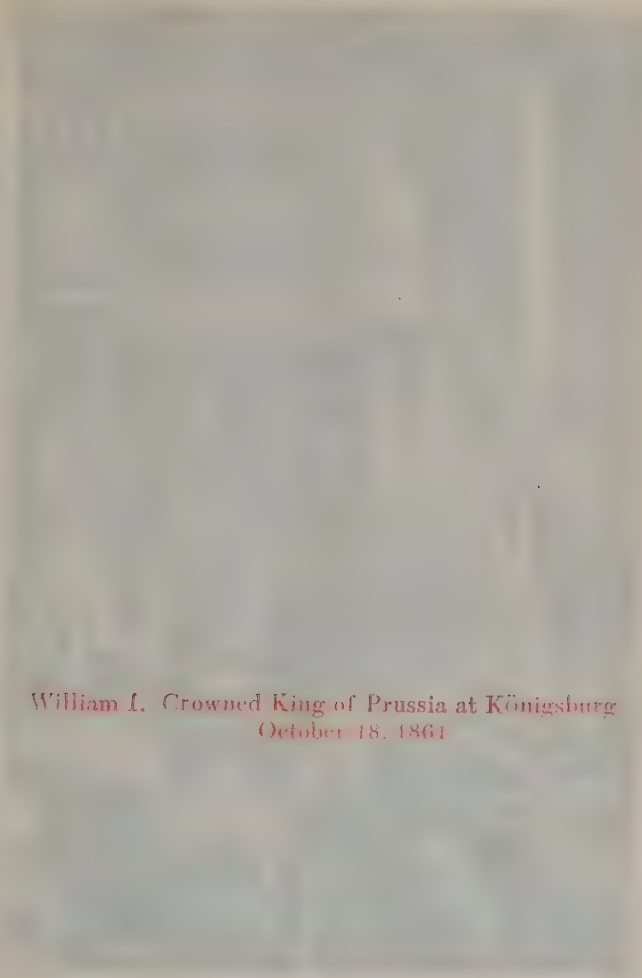
cases. The result was that the grand duke had to withdraw the constitution against his own will and to resume his reign again in accordance with the autocratic ideas of monarchy prevalent in the year of our Lord 1755. There followed a period of triumph for the nobility. Everywhere the courts were occupied with cases of alleged high treason, and the close of the period was distinguished by a law which vouchsafed once more to the aristocratic squires of Mecklenburg the right of corporal punishment of their servants.

In a similar way, if not quite so classically medieval, matters developed in Hanover. Here the old king, Ernst, had granted a liberal change in the constitution and firmly intended to carry it through, even after the revolutionary high tide had subsided. But when he proceeded to reorganize the provincial estates which had hitherto been dominated by the nobility, the nobles complained to the federal diet and the latter sided with them (October, 1851). Soon after this, on November 18, 1851, King Ernst died, and the blind king, George V, succeeded. George, who was inclined to nullify some of the constitutional provisions, finally allowed himself to be completely dominated by the nobility. The end of the reactionary agitation was a Frankfort federal resolution, of April 12, 1855, which contained a request that the king alter the existing constitution in such a way as to make it compatible

with the federal constitution, and also remedy the complaints of the nobility. The Hanoverian diet was then dissolved against the futile protests of the liberals, and the constitution was altered by a royal decree of August 1, 1855, in the sense of the previous constitution of the year 1840.

The same procedure was repeated in many of the smaller states, although it often happened there that things were caricatured in a jocular manner. These were chiefly the petty principalities of North Germany, and the difference between their conservatism and the much more liberal development of the southern states always remained obvious. Among those small principalities there were especially Anhalt and Lippe-Detmold. In the latter Lorenz Hannibal Fischer, the auctioneer of the German navy of 1848, of glorious memory, began to rule as prime minister, after the Electoral Hessian recipe of Hassenpflug. Fischer's rule, however, had a bad ending. On a journey to Thuringia this ruling minister of a federal state was arrested by order of Duke Ernst of Saxe-Çoburg-Gotha for *lèse-majesté* committed against the duke. The prince of Lippe was helpless, and could do nothing else but declare his vanished factotum was dismissed.

Far worse than these tempests in the teacups of the small states was the sequel of the reaction in the two great German states. It lasted, with



William I. Crowned King of Prussia at Königsburg
October 18. 1861

slight interruptions, in Austria until 1859, and in Prussia until the regency of the prince of Prussia in 1858. Despite all the little differences in German affairs and all the big ones in the domain of European politics, the main result of this reaction was the renewed harmony between Prussia and Austria. This general uniformity of the internal politics of the two great powers prevented all energetic progress on the way to national unity.

Austria was the first and most aggressive in adopting the reactionary course. The constitution of Kremsier had not yet been introduced nor had the emperor taken the oath of observance. He easily agreed to abolish it, and by letters patent of December 31, 1851, the absolute monarchy was restored. The ministerial responsibility rested upon the person of the emperor, and the activity of the national council was embodied in the deliberations of the crown. The attempt was also made to suppress the national endeavors of the various crown lands, and the monarchy was divided into equally organized administration districts with an army of officials who were absolutely dependent upon the emperor. The Catholic clergy also was placed in the service of the state. It was a system which was intended above all to strengthen the crown, and in this it succeeded. The nobility with their particular demands were not taken into consideration.

But while Austria was thus occupied with the

reconstruction of the state in the sense of Metternich, grave financial embarrassments ensued. These were further increased by the great preparations for the Crimean War. The obligations of the state began to hamper seriously its economic life. A paper currency of greatly fluctuating value was resorted to, and credit deteriorated generally. The Austrian financiers, otherwise experienced in a thousand and one ways, almost despaired this time of a remedy. Thus the position of the state toward the close of the fifties was bad enough; the more so as Hungary had not yet recovered from the storms of the revolution.

In Prussia a "small but powerful party" at the court had been discussing for a long time how the king could be induced to abolish the constitution. About this point, however, Frederick William IV was firm, supported by his liberal friend Bunsen, and also advised by several honest conservatives, like Lord Lieutenant Baron Senfft von Pilsach. However, the minister of the interior, von Westphalen, found the means for establishing a conception of the government more retrogressive than enlightened. This was done without abolishing the constitution. The latter had proclaimed a great number of liberal fundamental principles, especially in the second chapter, which dealt with the rights of Prussia. Here it was assumed that these principles were to be made into special laws through a later

legislative activity. Von Westphalen managed to prevent this, and asserted that as long as such executive legislation was not in existence the principles of the same could not be applied, but only the former law, which was not at all in conformity with them.

Above all, however, the former elective upper chamber was converted on the strength of a dubious interpretation of the law into that House of Lords which had long been desired by the king, a body in which barons and junkers had a decided preponderance. This was the only place in the building up of the new Prussian constitutional state in which Frederick William IV saw his ideal of a state constitution realized. He also, however, succeeded in several other less important places, especially in the provincial constitutions, in saving some of his state conceptions.

Did these successes particularly benefit the monarchical idea? It is very doubtful. What really came to the foreground were the feudal elements. Not the monarchical authority was strengthened, as in Austria, but the influence of the old social aristocratic strata. Hence the final result was very little different from that in the smaller North German states, such as Mecklenburg and Hanover. The whole tendency hereby induced soon manifested itself in severe disciplinary punishments of officials, in laws to muzzle the press, in aggravating the pun-

ishment for blasphemy, and in the extensive enhancement of the disciplinary authority over the official world. In the year 1855 this tendency even created a pliant chamber of deputies, and thus arrived at the zenith of its power. This triumph coincided with an increasingly gay, and partly even immoral, life in the leading circles, especially of Berlin.

With the close relations which existed between the state and the Protestant Church in all German Protestant territories, and with the leading position of the states in these relations, it goes without saying that the Protestant Church went through a course of development analogous to the one we have described in the state. But here the events were not so extreme, as the churches in combating internal schisms had to divide their power and as in none of them did an actual hierarchy exist. Otherwise the analogy was again most conspicuous in Prussia. In the Prussian national church, a party was formed in the fifties, consisting of intellectual laymen, orthodox learned men and members of the feudal aristocracy, which centered in the so-called *Kreuzzeitungsleute* (votaries of the *Kreuzzeitung*). The leaders of this party were Stahl, the two von Gerlachs and Wagener; and these ruled the king. They preached unconditional orthodoxy, and in accordance with this demanded the "conversion of science." In hierarchical questions

they would not tolerate the participation of laymen, and brought the synodal movement of the forties to a standstill. In other respects they surrendered the state interests of the Church as they understood them, and as far as they were able to surrender them. In the promotion of officials strict religiousness was emphasized and the consequence was the development of a repulsive "job-hunting spirit." Participation in religious clubs, payment of church collections, and a so-called "pious life," now became the favorite means to rise in office.

The Prussian schools, too, were delivered absolutely into the hands of the Church. Clergymen served everywhere as school superintendents and inspectors of the elementary schools. A government regulation of 1854 met the most rigorous demands of the Protestant orthodoxy in regard to the assistance of the school in disseminating a formal knowledge of Protestant Christianity. In the secondary schools a great clearing of the personal staff of liberal elements took place, especially among the directors, and the humanism of the colleges received a Christian-orthodox color, especially after Wiese entered the administration of the secondary schools.

These ecclesiastical endeavors at reaction soon combined with the feudal ones. Junker and parson united to rule, and the significance of the royal power decreased the more as the king, after the tremendous excitement of the revolutionary years,

slowly began to lose his old mental keenness. He became more and more weak-minded and in 1855 there appeared the first symptoms of that disease to which he fell a victim after a long illness. Moreover, orthodoxy and junkerism were rife not only in Prussia, but also in all the North German territories and frequently also in the southern states. They constituted the victorious forces of the fifties. They were tendencies which, in spite of the cleverness and giftedness of many of their votaries, were carried on by retrogressive social and intellectual groups whose most typical work has been of little effect in later decades.

On the other hand, the development of the Catholic Church in the fifties and in the course of the sixties shaped itself differently. Inherently in contrast with the national life of the period, which was Protestant in the leading states and territories, the Catholic Church was exceedingly free and dependent only upon Rome. Through the concordate and circumscription policy of the holy see in the twenties and thirties, the Catholic prelates had used the liberal tendency in the period mentioned for the full development of a clerical-papal autonomy, with a view to establishing democratic relations in the nation. The Catholics thereby gained that position whose predominance over the state later caused the great struggle of Prussia against the ascendancy of the Catholic Church, the *Kulturkampf*.

CHAPTER IX

MILITARY REFORMS

THERE was a time when the political history of their nation was thought by German historians to be essentially determined by international relations and influences. Today it need hardly be said that such a conception of the history of a really strong people can hardly be considered worthy of them. But in the fifties of the nineteenth century this was, for the German historian, the expression of an ever-recurring experience. One has to immerse himself in the psychical details of this experience to comprehend how much the general course of foreign European politics in the fifties, with the brilliant finish of the national unity movement of Italy, influenced also the internal conditions in Germany. This course alone made probable a change in Germany to nationalism and liberalism, a "new era" after the reaction following 1848.

But this new era was also a necessary consequence of the inner development of Germany. The

mere psychic "reaction against the reaction," against the political spirit of bondage which had now been prevailing for nearly a decade, necessarily led to it. Here Bogumil Götz spoke of the half-heartedness of the years of reaction, in which the people "had possessed only enough soul not to let the flesh die," and with this comment he started thousands thinking the same way. The people began to feel that the contemplation of politics on principle, as had been the habit in the forties, had been demonstrated *ad absurdum* by the unreasonable measures of the governments with reference to the fundamental principle of legitimism. A practical dealing with political questions seemed, to the growing economic life of the nation and its representatives, a natural consequence of an economic opportunism, and as early as 1857 Bismarck could already utter the statement: "If I recognize a principle as supreme and generally effective, I can do that only insomuch as it is true under all circumstances and at all times." Such a statement almost excluded the application of severe principles such as had hitherto prevailed in politics. This loosening of the old manner of thinking was followed by a shift of the traditional political aims. Even to the German bureaucrat the striving after liberal and national purposes gradually acquired a quality which made it less "impossible," less "unthinkable." The ice of reaction melted, and ideas bereft of supposi-

tions begot a fresher stream of political activity in nearly all the German lands.

It was noteworthy that the new movement in the year 1859, following the Austrian misfortunes of the Italian War, affected Austria deeply. Russia, also, after the Crimean War, began to witness a great number of internal reforms under her new ruler, Alexander II. One thing was perfectly obvious to Austria: although the participation of the people in political and military affairs was not spoken of, the ancient state had shown that it was not equal to the management of a great war either from a military or from a financial standpoint.

Austria's military inferiority was displayed during the war; her financial shortcomings became obvious only after the conclusion of peace. The fact was revealed that, owing to the secret financial system, the government had gone beyond the acknowledged national loan by 111,000,000 florins. It was also said that many high officials had been guilty of bribery. General von Eynatten, asked to account for his financial activities, committed suicide in prison; and the trial against bank president Richter uncovered a great many shortcomings. The suicide of Bruck, minister of finance, threw light upon the poor condition of the finances, although it had occurred only because the minister's pride had been offended by suspicion being directed against him.

Soon it became evident that after the revelation of all these facts only far-reaching political reforms could soothe the resentful public spirit.

Such reforms had been promised by the peace manifesto of July 15, 1859; but they were slow in coming. Promises seemed better than practice to the Rechberg-Goluchowski cabinet, which succeeded the cabinets of Buol and Bach in 1859. Still some progress was accomplished. As early as December 27, 1859, a state committee was appointed to revise and control public debts. March 5, 1860, an enlarged imperial council was introduced, which possessed only an advising vote. A more important step was taken October 20, 1860; an imperial manifesto containing the foundations of a constitution was issued. Yet even this was essentially an aristocratic experiment handled only by the classes. Hungary was to retain her old constitution, and in the other imperial provinces country diets were to be elected, consisting of the classes of the provinces. The members thus chosen were to be dispatched to the imperial council (*Reichsrat*), which was to contain "persons who enjoyed the greatest confidence of the nation, and were appointed by the emperor himself.

This manifesto, which was somewhat akin to the first constitutional attempts of Frederick William IV during the forties, satisfied none of Austria's subjects. It soon grew obvious that further con-

cessions must be granted. At that juncture Anthony von Schmerling, a liberal of the 1848 period, became the adviser of the crown in place of Count Goluchowski. In accord with his views a new patent was issued on February 26, 1861, which introduced the so-called February constitution. With regard to the country diets, regulations concerning elections were set down, which paid attention to modern interests, landowners, industry, commerce, etc., rather than to the old classes. These country diets elected delegates who formed the common house of representatives. In addition to the latter there was the House of Lords, consisting of archdukes, bishops and "persons who enjoyed highest confidence," and were appointed by the emperor. Both chambers obtained the usual constitutional rights.

This was the last attempt to introduce a universal constitution in Austria. From the manner in which it was introduced it could result in nothing but failure. The Austrian empire, being established upon an ancient monarchic basis, could scarcely accommodate itself to a universal constitution in accord with liberal views. Furthermore, the recent success of liberalism, with the victory of the financial and property interests within the conditions of the Austrian universal monarchy, meant a victory for the German element. For the last time the empire relied chiefly upon German thought; the Ger-

man element was everywhere in control. Soon the antipathy of the other nations was aroused. Hungarians, Bohemians and Poles were not represented in the common parliament; and in Venice the government did not even attempt to introduce a country diet. Nevertheless, the whole constitutional procedure represented some progress and, while it indirectly benefited the Germans more than it did the other nations of the monarchy, the intention was clear. The Hapsburgs were seeking to accommodate themselves to German national conditions beyond their own frontier, and to the current demands for freedom and unity.

It is therefore not surprising that the reactionary movement in a number of German confederate states also lost considerable ground, echoing the change of politics in Austria. At the same time the federal diet itself assumed freer views, and a progressive movement commenced in Prussia. Even the scientific *Zeitgeist* (spirit of the age) was roused against the attempts of the clergy, and demanded that the state should undertake measures against the Church. Thus the *Zeitgeist* also passed over into the political field. Reaction still remained in control in some places. In Saxony, for instance, where Beust was master of the existing state of affairs, he started the well-known "Black Book"—a list of proscription of liberal Germans. Affairs were still worse in Hesse-Darmstadt, where Baron

von Dalwigk was the chief power, and in Hesse-Nassau. Yet in Bavaria active inner life flourished under the liberal king Max II (1848-1864). In Baden the grand duke established a liberal cabinet in 1860, members of which were Lamey, Roggenbach and Mathy, and in a solemn proclamation he abandoned the reactionary policy in both politics and religion. In Württemberg, too, more favorable times drew near. In Hesse, Hanover and Anhalt-Dessau there was a vigorous demand for the return of the constitutions that had been abolished by the reaction. The largest Thuringian states, Weimar and Coburg-Gotha, also possessed liberal governments for a long time.

The decisive proof of a final turn toward a new era within the small German states was furnished by the course of the still pending constitutional affair in the electorate of Hesse. There, after the complete defeat of Prussia's intervention by the combined endeavors of Hassenpflug, the German federal diet and Austria, the tyrannical elector Frederick William returned to his country on December 27, 1850. Afterward the federal diet of March 27, 1852, regarded the Hessian constitution to which the country firmly clung as irreconcilable with the federal laws, and intended to establish a new fundamental state law with the consent of the upper classes of the country. April 13, 1852, the elector announced the main principles of an almost

absolute constitution, and arranged elections for a country diet in accordance with his new system of election. The duty of this diet was merely to be the recognition of the main principles enunciated on April 13.

The elector underrated the firmness of his harassed people. Twice elections took place, and each time a country diet was elected which demanded a return of the constitution of 1831. Thereupon the elector grew disgusted with the constitutional type of government and introduced an absolute government, which was maintained even after Hassenpflug's dismissal in 1855. His administration was rendered difficult by the repeated protests of the country diet.

When a more liberal atmosphere began to invade the hallowed hall at Frankfort the federal diet remembered the miserably oppressed Hessian people. In 1860 a twofold view was still maintained. While Austria and several central states clung to the constitutional project of 1852, which had been forced upon the Hessians, Prussia and other states desired to induce the elector to accept the constitution of 1831, after doing away with the laws which were supposed to be contrary to the federal union. Prussia, however, was in the minority. In 1862 conditions were changed chiefly because of the splendid leadership of Ötker of the opposition in the Hessian country diet. Then Austria had to

yield to Prussia's attitude. Both great powers moved in the federal diet that the constitution of 1831 should be reëstablished, and the diet decided accordingly. When the elector protested, and even ignored a personal letter from the former prince of Prussia, who had become king as William I, the latter mobilized two army corps. Austria warned the elector she would not assist him against Prussia. This last notice was a sign of complete victory for the new spirit within the states. Even the elector of Hesse had to yield. None the less, full confidence between ruler and people of Hesse was not established until 1866.

In 1858 and 1860 the individual states of the nation strove more and more after inner progress; yet such a change could not be without influence upon the national confederacy. Even within the sacred federal diet many openly declared they wished reforms. Despite the sickness of senility from which the members had suffered during the first half of the fifties, they could not help admitting that something had to be done. Aside from that, public opinion began to resume anew the common questions relating to the national future, after it had kept aloof from almost all politics in the course of the fifties. Sentiment began to pay fresh attention to unity. Aided by several patriotic princes, chiefly Duke Ernst of Saxony-Coburg-Gotha, public opinion created, toward the end of the fifties,

two great organs, the *mikro-German* national association and the *makro-German* association of reforms. A further aid was found in the huge national festivals, such as the centenary of Schiller's birthday on the 10th of November, 1859, and the fiftieth anniversary of the battle of Leipzig on the 18th of October, 1863.

These popular movements met much ridicule; yet later periods greatly benefited by their propaganda. Their ideals spread not merely in great conventions, but quietly and faithfully in thousands of small assemblies, often under social or æsthetic forms. Soon afterward these ideals passed into official publicity, chiefly in the minor states. The country diet of Weimar unanimously demanded a German parliament as early as February, 1862. The national association formulated its ideas, at a general convention at Coburg, in the following powerful words: "The German nation will not content itself with slight amendments of a federal constitution, the innermost nature of which is dismemberment and political impotence. . . . Only one thing will satisfy the legal conscience of the nation and its desire for power and freedom: the execution of the imperial constitution of March 28, 1849, together with fundamental rights and laws concerning election, as demanded by the legally elected representatives of the people." Thus driven by the evolution of the *Zeitgeist* the German states

began to participate in the reform of the federal constitution.

As usual when there is any question influenced by the public and by intellectual movements, the minor and central states stand in the front ranks. As early as 1855 the Saxon minister von Beust had composed a manifesto regarding a general reform of the Union; it was not a very happy one. Shortly before that King Max II of Bavaria moved, at a meeting held at Frankfort in November, 1855, that the meeting of the Union might decide the question regarding universal German laws; a German commercial law; a German native law; the regulation of emigration; and a common system of coins, weights and measures. Prussia had protested. In Prussia it was believed that federal laws needed the unanimous support of all states, and that they could be changed only with the unanimous consent of all, in order to bind a state like Prussia. Instead of a change of law Prussia preferred independent negotiations outside the federal diet.

Another series of negotiations regarding reforms by the federal diet came into existence only after Prince William of Prussia assisted the evolution of the federal constitution from a wholly different point of view, and after King Frederick William IV had declined to partake in the government. Prince William, the future king and emperor, firmly

believed in the unity of Germany under Prussia's leadership; yet he was also firmly determined not to bring about this unity by means of arms, but only through a defensive policy. He accordingly thought and spoke of the fact that he would not live to see that unity. And he accordingly considered himself able to labor in behalf of the reform of the Union slowly, and without undue haste. He therefore contented himself with a very important point, the most important for him, namely, the reform of the military constitution of the Union. He proposed to place, in case of war, the two northern corps under Prussian and the two southern under Austrian leadership, disregarding the appointment of a common federal general. This Prussian proposition was defeated in the federal diet of 1860.

Yet the question was not entirely disposed of. At the time of the rejection of Prussia's proposition Napoleon III believed it highly necessary for France to depend upon Prussia, because of his recent war with Austria in Italy. He therefore desired a meeting at Baden with Prince William, who had now become regent of Prussia. The report of this invitation greatly displeased the German princes, and the king of Bavaria even ventured to discuss with the editor of the *Augsburger Allgemeine Zeitung* whether Prussia would cede the Rhenish provinces to France. In order to dissipate

this anxiety the prince, at the request of the king of Hanover, invited all the German sovereigns to the meeting at Baden. It took place June 15, 1860. For Napoleon it was of no avail whatever; the prince refused to consent to the wanton wishes of Napoleon for a seizure of German territory by either Prussia or France. The result was a slight estrangement between Prussia and France, which ran parallel with the growing friendship between Prussia and Austria.

The German princes took the opportunity of this meeting to present their wishes, through Max of Bavaria, on the 19th of June, regarding the military constitution of the Union. They demanded that the army should be divided into three parts, namely, a Prussian, an Austrian and a federal army; for the sovereignty of the federal corps could not possibly be placed under Prussian and Austrian leadership. Prince William consented to this scheme only unwillingly; and after April, 1861, the entire matter remained quiescent. Prussia seemed to have been repelled by the smaller states in the great questions of the reform of the Union.

Notwithstanding this, Prussia grew more active wherever it was necessary to protect the honor of the Union and of the German name, as, for instance, in the unhappy affair relating to the electorate of Hesse of which we have spoken, and in the Schleswig-Holstein matter, of which we shall soon

speak. New propositions with regard to the constitution were not brought before the Union, although material and form for such were sought, chiefly in conjunction with Baden.

The initiative now once more passed over to the central states and to Austria. In October, 1861, Beust made a new proposition. Its purpose was to appoint, as the head of the Union, a directorium, which should consist of Austria, Prussia and a third confederate state; to change the federal diet to a sort of confederate council; and to add a convention of delegates of the individual country diets as the consulting, greater organ. Upon the whole this project seemed to promise Austria's domination over Prussia, and the creation of a central state subject to Austria. Prussia responded on December 20, 1861, saying: "The German Union of today is a confederacy of states and cannot be changed for the better. Safety lies only in a still closer confederacy—under Prussia's leadership, of course—within the old empire."

The effect of these frank words upon the minor states was very significant. They acquiesced in the plan only after hearing that Austria herself insisted on her attempt to reform the confederacy. Austria began by trying to prove to the Berlin cabinet that the carrying out of the Prussian plan was regarded as impossible by herself, by the four kingdoms, and by Darmstadt and Nassau. Austria invited the

Berlin cabinet to attend a convention of delegates, relating to constitutional matters, called for February 8, 1862. Soon afterward a new project came into existence, regarding the reform of the new confederacy, in accordance with which the reorganized directorium of the old Union was to be increased by a convention of delegates, taken from the representatives of the individual states. Plainly Austria was once more seeking for delay while she organized her own new constitutional government. In order to commence with the practical introduction of the idea of reforms it was also proposed to work out a common civil code and a common law of obligation, to be laid before the convention of delegates. Prussia remained inactive with regard to all this procedure, as she also did with regard to several attempts to induce the federal diet to adopt anti-Prussian resolutions. In the autumn of 1862, the possibility of a military collision between the two German great powers was not regarded as impossible.

It was then that Bismarck assumed the leadership in Prussia. At that time he had no distinct plan nor even distinct ideas regarding the means which would lead toward unity. The center of his activity fell at first within the problems of the inner evolution of Prussia. At any rate he very well knew that German unity could only be achieved, while taking full account of liberal and perhaps

even democratic ideals, by means of Prussia's leadership. He saw also that this could only be achieved after a war with Austria. He frequently said: "Any other Prussian war preceding that against Austria is a mere waste of ammunition." At the same time he sought to maintain peace. He therefore wished to come to an agreement with Austria, as seen in his meeting with Count Károlyi, December 4, 1862. Yet Austria rejected Prussia's offer; the Austrian *makro-German* plan of reforming the old Union was further discussed by the conference of delegates, and was laid before the diet for adoption on January 22, 1863. Every one in Germany watched with very great interest the outcome of these matters. Prussia had declared she would recall her representatives from the federal diet in case the project should be accepted.

But the unexpected happened! The Austrian project was rejected by nine votes against seven. Once more the crisis was postponed. Austria soon attempted a final means of carrying out her views regarding the reform of the Union, diplomatic conferences having been of no avail. She sought to negotiate with the German princes personally. While William, now king of Prussia, was taking the waters at Gastein, in the summer of 1863, Emperor Francis Joseph visited him on August 2, and told him he would summon the German princes to a diet to be held at Frankfort on the 16th of

August, to discuss and decide about the constitution of the Union. At the same time the emperor outlined the new Austrian plan which was being worked out by Dörnberg and Biegeleben. Disregarding the original supreme Austrian control of foreign affairs, which plan crowned, as it were, the personal initiative of the emperor, it was now proposed to establish a confederate directorium, an advisory convention of delegates of the German country diets, a confederate court, periodical congresses of princes. Upon the whole it was a poor apparatus. "If one considered the constitution which was offered, with its powerful central power, as opposed to the feeble representation of the people's universal franchise, one could see how little Austria could give to the German nation." Austria, however, believed she would be able to please the nation; she also thought she could proceed severely against Prussia. If the latter did not accept Austria's propositions the other governments would proceed independently. King William replied that, aside from an exact matter-of-fact criticism, a congress of princes to be held as early as August 16 was not within the realm of possibility; furthermore, the princes would not be able to discuss affairs carefully, but would merely be able to sanction previously adopted resolutions.

Austria disregarded that reply. The date of the meeting was not changed; and all the princes came

to Frankfort, save those of Lippe, Anhalt-Bernburg and Holstein—and with the exception of the king of Prussia. Discussions commenced on August 17, led by the emperor skillfully and effectually with all the enthusiasm of which he was capable. Soon afterward it became necessary to invite King William, who was staying at Baden-Baden. One of the princes, who was intimate with the king, went to Baden-Baden for that purpose. But King William did not come, although personally he would have liked to attend the meeting. His decision to stay away was announced after an exceedingly heated dispute with Bismarck.

Those assembled at Frankfort continued the discussion of the existing state of affairs. The Austrian project demanded the establishment of a directorium comprising five votes (Austria, Prussia, Bavaria, and two members chosen by the larger territorial states) and the formation of a confederate council, each of the minor states having one vote, Austria and Prussia three votes each. Both directorium and confederate council were to be controlled by Austria. That project was accepted on September 1, 1863. Twenty-four voted in favor of it, and only six (Baden, Schwerin, Weimar, Luxemburg, Waldeck and Reuss—Younger Line) were against it. Afterward stress was laid upon the desire to establish the new constitution and to win over the princes who had not attended the con-

vention, chiefly, of course, King William of Prussia.

Prussia was soon notified. She responded on September 22 that she would be willing to yield provided both Austria and Prussia should obtain the privilege of vetoing any war of the new confederacy; provided Austria and Prussia should preside over the supreme confederate council alternately; and, finally, provided a parliament should be created consisting of members elected by direct vote. That response, as a matter of fact, rejected the decisions of the diet of Frankfort.

What now? was the question that arose. It soon became obvious that the minor and central states desired no confederacy at all which would bring them under Austria's control. They knew that they would be protected best if Austria and Prussia were opposing each other. "Will Austria destroy us utterly?" George V of Hanover had asked before the convention at Frankfort, after hearing of the emperor's plans. They no longer displayed any special enthusiasm for Austria. They demanded that Austria and Prussia should become reconciled. The former's attention was called to the international policy. The emperor was, at that time, almost entirely isolated, while Prussia possessed the sympathies of France and Russia. France supported her because Napoleon III would approve nothing leading toward a *makro-German* empire

with seventy million inhabitants; Russia, because Prussia had been the only European power which had assisted her during the great Polish upheaval in 1863.

Thus the result of the diet of princes at Frankfort was contrary to the original plans, and stood in direct contrast to the expectations of Austria. A reform of the old Union was not brought about, despite all the resolutions passed by the princes; moreover, Austria was led by legitimate-national and international matters as well to come into closer contact with Prussia. That was the situation which preceded the year 1864, the year of the war with Denmark over Schleswig-Holstein.

Should we seek to discover the true reasons which brought to naught this last serious attempt of the German princes, headed by Austria, to reform the old Union, and which finally justified the stand Prussia had taken, we are led toward considerations which are equally characteristic for both Austria and Prussia. Both powers were firmly convinced that the constitution of the old Union could not be reformed, as were also the people themselves and the majority of German princes. As to Prussia, Manteuffel had declared as early as 1851 that the proposed confederacy was not the material which could make something out of Germany, but was merely a means of concealing the inner decadence of Austria, and of strengthening the

minor states against the spirit of democracy which prevailed within them. The tendencies characterized by Manteuffel had brought together Austria and the minor states with the intention of galvanizing the confederacy by all sorts of reformatory attempts. This general motive gradually spread in Austria after 1859, in the course of inner reformatory movements. It desired to maintain supremacy in Germany at any rate, chiefly in order to protect the Germans of Austria by means of the German hegemony. Because of the superiority of the Austrian Germans over the other Austrian nationalities, Austria desired a general constitution which would give power to the upper classes. Such a constitution pleased the majority of minor German states, but still they regarded it as dangerous because of the democratic subjectivity which steadily drove onward, with its main demand for a universal general franchise. Thus Austria and the minor states were brought together by their motive of maintaining the old conception of a state which went back to the aristocratic individualism of the eighteenth century.

Prussia, on the other hand, especially toward the end of the aforementioned negotiations, emphasized boldly and clearly the ideal of a German parliament consisting of members chosen by direct vote. This ideal was further emphasized, at a second decisive moment of progress, in the ultimatum, by a

still more striking and wholly fundamental ideal of a parliament consisting of members chosen by general, direct and equal vote. Austria and the minor states demanded a constitutional reform, which already began to assume a merely historical character, and they did it solely in the interest of self-preservation on the principle of a *status quo*. Prussia, however, firmly approached the main problems of a subjective state, the state of the future. She pursued that course in her own behalf, and yet at the same time and primarily in behalf of the entire nation; the solution of this problem was the decisive motive in Prussia's entire politics during the following decade.

Of course it was obvious which of the two German great powers and of the belligerent groups of minor princes gathering round them must be victorious if the fate of the nation was to become a happier one. Moreover, under these circumstances, the inner development of Prussia gained especial significance with regard to democratic ideals. There was a struggle between the old monarchical spirit and the liberalism which today seems to possess an imperialistic character. It is in this most significant connection that our narrative turns toward the history of the new era in Prussia.

Together with the abolishment of other medieval conditions, during the years 1806-1812, the feudalism of Prussia was entirely dispensed with; and

the recognition of this fact was clear to the majority of prudent conservatives in 1848 and later. A new formation of the state upon the ruins of the old could not be brought about for a long time. The year 1848, however, and the following period had brought with them a constitution. But did it, after having been accomplished, please the leading and ruling classes, during the fifties of the nineteenth century? Many expected—and feared—even till the second half of the decade, that a new revolution might take place. They therefore openly despised the constitution. Others, however, maintained a more optimistic attitude, but they, too, were not friends of the constitution. As spokesman of that group, consisting chiefly of military men, Moltke may be quoted, who declared in the early part of the decade: "Upon the whole, I hold that things will grow better. The sweep of the pendulum of the democratic revolution is finished, as it seems to me. It returns to a condition of stability. That it will swing in the opposite direction is not unlikely, because of the natural law of momentum. The rôle of the democrats no longer exists, although many other great battles are about to be fought. There will be a period of stronger heroes, after the period of shouters and writers."

Among the ruling statesmen views were calmer than among the soldiers. Minister Manteuffel was regarded as an upholder of the absolute power of

the king yet he was in one respect a forerunner of Bismarck, capable of placing himself within the realm of reality to such an extent that a well-organized democracy under a powerful king would have pleased him a great deal. So much was this true that the *Kreuzzeitung* could accuse him of "political atheism." At any rate Manteuffel agreed with the king in one respect; he recognized that officialdom and government owed military obedience to the crown, for Prussia was above all a military state. The statement of Frederick William IV, "In Prussia the king must be supreme commander in time of peace and of war, whether he wants to or not," could easily be regarded as Manteuffel's own statement. In addition to the official government, however, there still was the court *Camarilla* with its traditional ideals, which gradually vanished before the social evolution in the fifties. This court clique had a considerable influence because it possessed the heart of the monarch.

Yet, could any clear evolution of certain aims in behalf of inner politics be possible, owing to the many diverse influences which were contrary to the conscience of the king? All this evolution had in no way pleased King Frederick William IV. The situation grew more serious because this king actually exercised an absolute government in the course of the fifties and during the organization of the first chamber. He thus developed absolutism into some

sort of legal freedom for action, although he had opposed the frequently proposed abolishment of the constitution. Thus a useless assembly and an actual absolutism naturally eliminated the division of powers intended by the constitution. The result was nothing but stagnation, since both the responsible and irresponsible influences to which the king listened in turn would finally cancel each other.

A change in the existing state of affairs could be expected solely from the crown itself. The regency of Prince William of Prussia, which began in 1857, because of the king's illness, was prolonged repeatedly. The establishment of a government which would give a freer hand to the prince, and enable him to draw up a programme of his own, seemed indispensable. So on October 7, 1857, Frederick William IV tearfully abdicated in behalf of his brother, though the latter did not assume full sovereignty until Frederick William's death, over three years later.

The new ruler, William I, had been brought up for a severe military career. He was of a fine aristocratic bearing, noble consciousness and German faithfulness. He had long watched the period of Prussian reaction with divided feelings. For, once the constitution had been accepted, he stood wholly in its favor, although without any special sympathies for it. Of some importance may have

been the influence of his wife, Princess Augusta of Weimar, and also his lengthy stay at Coblenz as governor of the western provinces, which brought him nearer to civil liberalism. Gerlach could later make the apt remark that in the Prussian revolution and counter-revolution there might be seen the progressive action of the Rhine lands and the reaction of the old provinces against them. First of all, William I held some strong personal convictions. He firmly clung to the idea of a constitutional establishment of the government from the very first moment at which he was summoned to control the state. It was because of this that he could say in June, 1860, before King Max II, at a very decisive moment: "The constitutional idea that governmental measures have been made public, and that the people have been lawfully authorized to take part in the legislature, has penetrated into the consciousness of the people. It would be dangerous to stand up against it, since it would show that the monarch distrusted his subjects. The government can be strengthened, not by restrictions against the constitution which show distrust, but by yielding wisely and by loosening the reins."

Owing to such views it was natural that the new ruler, after having attained full power, forthwith dismissed the old ministry and formed a new one. This was the so-called "Cabinet of the New Era." Politically influential men composed it; Prince

Charles Anthony of Hohenzollern-Sigmaringen was its first president; von Bethmann-Hollweg became minister of education; Patow minister of finance, after Rudolph Camphausen had declined the office; von der Heydt became minister of commerce; von Bonin minister of war; Count von Schwerin minister of the interior after Herr von Flottwell had filled that office for a short time; von Schleinitz became minister of foreign affairs; and the personal friend of Prince William, Rudolph von Auerswald, was made a minister without portfolio. The ruler addressed the ministry on the 8th of November; soon afterward this address was published and could, to a certain extent, be regarded as the governmental programme. Among other things we find there certain cautious and restraining words. The address says: "In public life we have noticed a movement of late which, if partly explicable, on the other hand shows traces of purposely strained ideas which must be opposed by our wise and lawful and even energetic activity. Promises must be kept faithfully, things not promised must be avoided courageously. First of all I warn against the stereotyped phrase that the government must at all times yield to liberal ideas on the ground that the latter would come to existence automatically." Of course, such sentences of the programme as "in Germany, Prussia must conquer morally," were not without significance.

None the less, the enthusiasm for the new ministry was general, and in Prussia herself an era of unheard-of blessings was expected. The elections for the country diet, which soon took place, were greatly in favor of the government. Only a few democrats or other radicals were elected; there was a majority of moderate liberals, and the feudalists suffered considerably. That outcome was no doubt a sign of political education in Germany, which had progressed greatly since 1844, and which had been guided by an ever-improving press and the hard labor of the strong and thriving economic life of the nation, as well as by the realistic character of the advancing sciences.

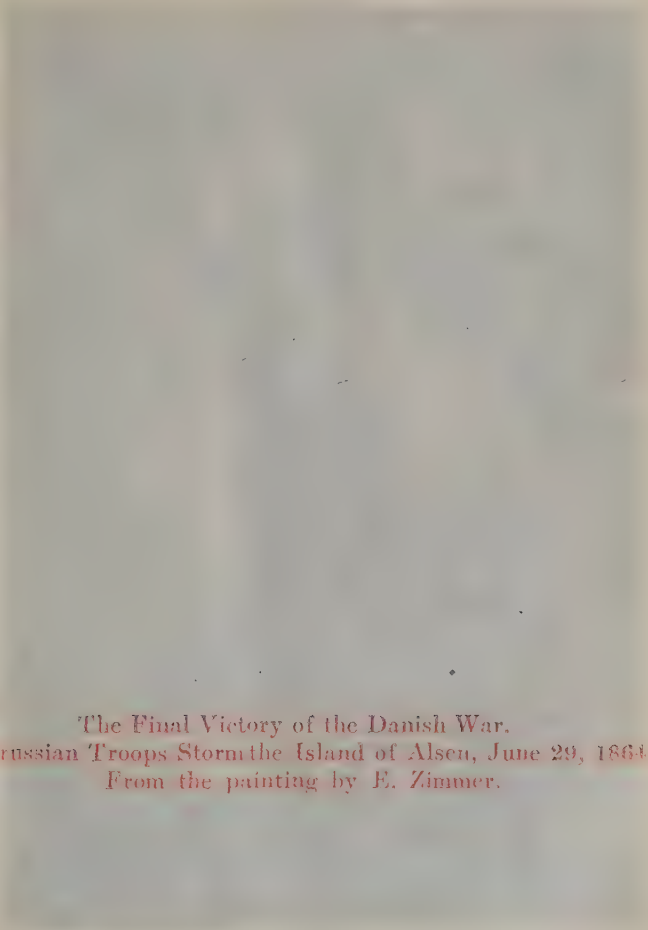
Yet the anticipated period of "milk and honey" did not come. As to foreign politics, it was expected that Prussia, because of Austria's Italian War of 1859, would start a great movement in behalf of the unity of Germany. All Prussians were very much disappointed when their government, after having mobilized its forces, disarmed because of the peace preliminaries of Villafranca. Within the empire the hopes of the new era came to only a feeble fruition. Simons, minister of justice, whose name is connected with the worst political processes of the period of reaction, as well as the well-known commissioner of police, Stieber, retained their offices till November, 1860. Then a trial brought their sinister deeds vividly into the foreground and

they were dismissed. Count Schwerin, minister of the interior, could not control the long-established reactionary officials of his district. Thus it seemed as if the policy of Frederick William IV would be continued in many respects. At the same time the government published a new plan regarding the reform of the army. The purpose of this was not to carry a big and bold tone in foreign politics, and there seemed almost a threat against the people in the fact that the new military plan was the work of the prince himself. Nobody could conceal that.

William I had always taken great interest in matters concerning the army. In earlier days he had heard the minister of war declare, in November, 1850, that Prussia's military strength was not equal to that of Austria in case of war. He was now firmly convinced that the very nucleus of every sovereignty, and particularly that of a live, modern kingdom, lay in a well-organized military power. Because of his attitude and experiences, essentially aided by a pamphlet of Roon published in June, 1856, Prince William's ideas regarding the situation were as follows: The military constitution of Prussia was still based upon the laws of 1814 and 1815. The strength of the army was, therefore, in accordance with the population of 1814, which had been something like ten million souls. Since that time, however, the population had nearly doubled; so that as only forty thousand young men would have

to serve, many thousands would be exempt from service. This would be an obvious injustice. Furthermore, in accordance with the legislation of 1814 and 1815 all soldiers were to serve three years at the front, seven as *Landwehr* of the first levy and seven as *Landwehr* of the second levy. The *Landwehr* was therefore in a bad position; it was compelled to take up arms, although many old men and chiefly heads of families belonged to it. Of course they were not very efficient, as was seen in Baden and other places. At any rate it was unjust to impose upon them, badly prepared as they were, the same tasks that were imposed upon the younger soldiers at the front. It was also obvious that with the present army there might well be waged a national or defensive war, but never an aggressive war with great political aims—as, for instance, one in behalf of the unity of Germany, which would exclude Austria.

William, therefore, demanded the following military reforms: Instead of having a *Landwehr* of the first levy, a reserve was to be organized which was to serve for three years and have frequent military exercises; so that the reserve and the new *Landwehr,* which was to consist of the previous *Landwehr* of the second levy, promised to be more efficient from the military point of view than the old *Landwehr.* By this reform the old general military duty would be sufficient to increase the number of recruits



The Final Victory of the Danish War.
The Prussian Troops Storm the Island of Alsen, June 29, 1864.
From the painting by E. Zimmer.

from 40,000 to 63,000. Of course, new regiment formations were also needed; ten new cavalry and 39 new infantry regiments were organized. The annual amount to be spent was 9,500,000 thalers. These were the proposals laid before the representatives of the people, the Prussian diet.

During the demobilization of the army in 1859, William ordered that the branches of the *Landwehr* and a part of the army should remain under arms so that they might help form new regiments. Soon afterward he dismissed von Bonin, minister of war, and appointed in his place the energetic and ambitious Roon, who the people well knew would be the most forceful executive of the ruler's intentions. These measures filled the liberals with suspicion. Wherefore this increase of the army? The ministers were not about to carry on far-reaching foreign polities, were they? It was only intended, so they believed, to destroy the *Landwehr,* the liberal civil army of old, of which numerous legends related the noblest heroic deeds, especially during the time of the wars of liberation.

Amid such attitude and sentiment the diet was opened on January 12, 1860, and acquainted with the new proposition regarding the reform of the army. Thereupon the government placed itself upon another, more doubtful basis: The law of 1814 contained the principle of compulsory military service; and it had to be carried out. Accord-

ingly, von Patow moved that nine million thalers should be allowed for the increasing army during the coming fourteen months. The house of representatives decided in favor of that motion and even granted the amount in perpetuity, under certain conditions, however, such as the reduction of the period of service from three years to two years. The upper house soon granted the proposed military reform. The condition inserted by the house of representatives merely delayed the reform. The representatives had feared the increased army, but had not been courageous enough to reject the money appropriation. Hence the government and the prince were assured of success. In January, 1861, Prince William solemnly consecrated the banners of the new regiments.

The old king, Frederick William IV, now died; and on January 2, 1861, Prince William formally succeeded to the throne he had long held in fact. He became King William I. His accession, however, rather intensified than softened the anxieties of the liberals in the house of representatives. They clung to the opinion that the demanded sums for the army had been granted only for a short time. The house, therefore, assembled in extraordinary session to debate on the budget for the following year. It was obvious that the final solution of the problem had been postponed for the coming year. The period of the legislature was over and new

elections were at hand. These took place on the 6th of December and showed a majority which was thoroughly hostile to the government.

During the first session of the new house a crisis in the cabinet took place, followed by the dissolution of the diet and another election. The new ministry under Prince Hohenlohe-Ingelfingen bore a far more conservative character than before. The only new member of the cabinet was von Mühler, minister of education, who afterward became widely known, especially in the early years of the struggle with Rome. The former minister of war, Roon, was retained. Under this cabinet the new election for the Prussian diet took place, the government employing all its power to secure conservative support. The result was none the less an opposition parliament (May, 1862); not one of the ministers was elected; the conservative party consisted only of ten members; the two factions of the liberal party included two-thirds of the entire house. The majority of the new house flatly rejected the sum demanded for a reorganization of the army. The conflict between the government and the representatives of the people was now obvious and even obstinate. The knowledge of this situation induced the more moderate members of the ministry to resign.

The king, thereupon, appointed Herr Otto von Bismarck-Schönhausen, former ambassador to Paris, president of the remainder of the cabinet.

Herr von Bismarck also became minister of foreign affairs, with which he seemed the man best acquainted, according to the opinion of his contemporaries. Yet the latter regarded him merely as a servile creature of the king; they did not know how often Bismarck, under the reign of Frederick William IV, had successfully kept aloof from the difficulty of being an "obedient and responsible minister at the same time." They only knew the new prime minister as one of the most foolhardy squires. They therefore received him with unconcealed suspicion, inasmuch as everybody was convinced that the government would find some way to bring the conflict to a victorious end.

Indeed, Bismarck soon saw a way out of the existing deadlock in affairs. He strengthened the self-reliance of the king, who had thought seriously of resigning his throne. Bismarck developed a new, supposedly constitutional theory of there being three privileged factors of the legislature, all equally responsible in financial matters. In England, Bismarck pointed out, the House of Commons held the foremost authority with regard to the granting of money; in Prussia, however, the people's house was only one of the constitutional factors in addition to the House of Lords and the government. Yet the House of Lords and the government agreed as to the granting of the sum demanded for the organization of the army. If a

financial law could therefore not be established because of an obvious majority in the house of representatives, a gap would arise in the constitutional system. It was incumbent upon the government to fill that gap, since the tasks of the government in behalf of the country never could cease. And, in the present case, that gap could not be filled otherwise than by means of carrying out the plans regarding the reorganization of the army.

Bismarck succeeded in persuading the king to act on this system, though not convincing him of the correctness of the exceedingly risky theory. Thus William began to levy further taxes, including those for the reform of the army, despite all opposition from the house of representatives. And since the country remained at peace, and since people seldom refused to pay the taxes imposed upon them, aside from long and heated debates in the parliament and a flood of written abuse in the press, it seemed as though those conditions might last. They actually did remain during 1862 and even 1863, although in October, 1863, new elections brought a still stronger opposition into the house of representatives.

CHAPTER X

THE SECOND QUARREL WITH DENMARK

WITH the description of the previously narrated events, viewpoints and sentiments, a criticism is usually connected, even to this day. Many argue that the legal, formal rights lay with the state diet, even though the historical rights were with the king. They base this view upon lengthy deductions and do not forget to remark that no matter how right and wrong are divided between the two parties, the conflict between the two appeared to be natural and even necessary, owing to the time and conditions. Of course such statements cannot be refuted. Yet it is characteristic from the historical point of view that those statements, as time goes by, are uttered more and more rarely and ever softer in degree, so that they may finally approach the visible end of total silence. That course is due to the fact that today no one has any regard for the liberal problems of the sixties. And that phenomenon can be explained from the modern subjective democratism, which

assumes a critical and rejective, rather than appreciative, position toward the liberalism of that time.

No matter how one looks at those statements and considerations, one point is certain: the attitude of King William I and his mighty minister necessarily led, owing to the state of German affairs, to a forcible solution of the question of unity.

Fate decreed that this tendency should be realized first in the political questions of the farthest North, and especially in the grave problem concerning Schleswig-Holstein. The development of the Schleswig-Holstein difficulty has been discussed previously, down to the year 1852; but where this question becomes decisive for the relations between Austria and Prussia and for the fate of the whole of Germany, it is necessary to go back once more and with more detail to the legal side of the matter.

From 1450 onward there had existed between Schleswig-Holstein and Denmark a personal union —that is to say, the king of Denmark was also duke of both Holstein and Schleswig. In 1815, however, Holstein belonged to the German Union; Schleswig did not, although it was united with Holstein through the common ruler. Thus the situation was peculiar. Legally it seemed plain enough, yet it was much obscured by the Danish government because of the natural desire of the Danish kings to unite the duchies gradually with

the Danish kingdom. Thus, for instance, the common country diet of the two duchies had not been called together since 1712. The duchies had not protested against this, as they felt they were being ruled fairly and generously. That treatment was indeed very natural, since the Danish civilization of that time was, in many respects, dependent upon the German, which was beaming forth toward the North from Hamburg as its farthest focus. Even the nobility of Schleswig-Holstein were at an advantage owing to this state of affairs, as they often rendered service to the Danes, playing a considerable rôle in Danish state affairs.

As for the legal position of the duchies, there was not the least doubt. Less clear, from the standpoint of law, was a second question, namely, that of the succession to the thrones of Denmark, Schleswig and Holstein. Schleswig-Holstein was, according to ancient German laws, a male feoff in which the Salic Law held sway. In Denmark, however, daughters also could ascend the throne as well as sons, in accordance with the so-called Royal Law of 1660. Thus after the dying out of the male line of the Danish royal family a Danish princess or her son might ascend the throne of Denmark; whereas, in Schleswig-Holstein, male princes of the younger branch of the royal family, the Sonderburgers, were to succeed to the throne. Of these Sonderburgers, the Augustenburg branch was to

rule first, and to be succeeded by the younger branch, the Glücksburgers. In addition to these fairly simple rights, there were unfortunately many others, owing to the peculiar fate of the individual lands of the Danish royal House. Privileges, which cannot be analyzed here in detail, were claimed by the House of Gottorp (Russia and Oldenburg) and also by the princely House of Brandenburg.

King Frederick VI (1808-1839) had no children. In Denmark he was to be succeeded, after his cousin Christian VIII, by the latter's sister Charlotte, or her son Frederick VII. His great desire was to render these female rights of succession valid for Schleswig, too. In that respect he had the eager support of the Danish people who desired the continuation of their little empire. This desire was politically represented by the so-called party of Eider Danes. The aim of that party was first of all the annexation of Schleswig so that Denmark should become a single, homogeneous state, reaching to the Eider, and possessing a German province in Holstein. This enlargement of Denmark was to be followed later on by the establishment of a great northern empire consisting of Denmark, Sweden and Norway. The Eider Danes emphasized their aims about 1836, under the leadership of the lawyer Orla Lehmann, the philologist Madvig and Bishop Monrad.

In 1839 King Frederick VI died and was suc-

ceeded by his cousin Christian VIII, the last but one male offspring of the royal family. After Christian's death and that of his feeble son, Frederick VII, the question of succession must become absolutely urgent. Hence the new king sought to render conditions favorable for Denmark. He established a much closer union of the duchies with the Danish kingdom: he introduced Danish money into Schleswig-Holstein, dismissed the special army of the duchies, etc. He further approved the resolution adopted by the Danish country diet at Roeskilde in October, 1844, to the effect that the king might announce that the Danish monarchy was an indivisible state. In his Open Letter of July 8, 1846, he actually made that declaration.

The duchies and their royal families of Oldenburg, Augustenburg and Glücksburg, with the exception of a single prince, protested. Protests were also raised by the German people in the chambers of the individual country diets, in clubs and in associations. Even the German federal diet protested. It soon became evident that the carrying out of these protests would encounter serious difficulties. The great powers took an interest in the integrity of the whole of Denmark. England did not wish the Germans to become lords of the Baltic and the North Sea, and feared lest Russia should bring the mutilated Denmark under her sway. Russia, on the other hand, assumed that a dismem-

bered Denmark might disregard all Russian influence and join the Scandinavian Union.

The population of Schleswig-Holstein, the energy of the German federal diet, and finally the influences of the great German powers, Prussia and Austria, soon showed themselves equal to these antipathies. It was, however, to be expected that neither the men of Schleswig-Holstein nor the federal diet would be able to save the duchies. Success was to be expected solely from the energetic intervention of the two great German powers. And this did not take place until 1864.

Meanwhile, events took an entirely different course. The quarrel of 1848-1851 commenced with the death of King Christian VII, and the succession to the throne of his indolent son, Frederick VII. It ended, as we have already seen, with the humiliation of Prussia and the unfortunate treaties of 1852. The result was, first of all, the recognition of the indivisibility of the entire Danish state, that is, of Denmark including Schleswig and Holstein. Yet the latter and also Lauenburg were to remain members of the new German Confederacy. The second result was the recognition of Prince Christian of Glücksburg and his heirs as successors in the undivided Danish state in accordance with the London conference of May 8, 1852. Duke Christian of Augustenburg, belonging to the first and nearer lineage of the royal House, renounced his

rights on April 23, 1852, in return for the payment of 2,500,000 thalers. Soon afterward it became evident that he had renounced his claim upon the Danish throne only for himself and not for his House and his family, and least of all for his direct heirs. The decisions of the London conference also contained a third point according to which Denmark promised to Austria and Prussia never to unite Schleswig directly with the Danish kingdom, provided the succession of Prince Christian should be recognized and the troops of the German Confederacy withdrawn from Holstein. That promise was due chiefly to Prince Schwarzenberg. Accordingly, the constitution and government of Schleswig were regulated by Denmark, through an edict issued January 28, 1851, and all conflicts regarding a constitution seemed to have come to an end.

Yet it only seemed so. As to the third point, Denmark actually made only a general promise. The union of Schleswig and Holstein was practically destroyed by treating Schleswig as part and parcel of the whole of Denmark, whereas Holstein remained a member of the German Confederacy. Nay, even more than that: a real Danish reign of terror soon set in in Schleswig, and later on in both duchies. The pro-Germans were persecuted and maltreated; all officials were Danes, and even the supreme court was cleared of German judges.

Especially in the Schleswig districts with a mixed population everything was done to render the population Danish. Clergymen and teachers, the "black constabulary," were especially active in that respect.

The government spent two years working over the accurate formulation and final issue of regulations for Schleswig, promised by the manifesto of January 28, 1852. This new Danish constitution was issued on the 31st of July, 1854; but the party of the Eider Danes strongly protested against it, and the king withdrew it. He proclaimed a new constitution on October 2, 1855, with the consent of the Danish diet, but without the consent of the duchies. The promise made at the London conference with regard to Schleswig was completely ignored; for, according to this last constitution, the entire Danish state obtained a single parliament consisting of an overwhelming majority of Danish votes, and fully authorized to ordain laws and settle financial matters in both Denmark and the duchies. The moment of ignoring the promise of the London conference was happily chosen: the great powers were occupied with the Crimean War. No sooner had this war ceased than the people of Holstein (February, 1856), as representatives of a German confederate state, began to complain before the new German Confederacy. Thus the Schleswig-Holstein question was once more reopened.

Upon the complaints made by the people of Holstein, there followed, after a brief lapse of time, the decision of the Confederacy on February 11, 1858. The entire constitution of Denmark was declared to be invalid for Holstein-Lauenburg—the confederate diet could talk only in behalf of these provinces, as Schleswig was not part of the confederacy. Definite information was asked from Denmark as to how she would fulfill the promises made with regard to Holstein in the year 1852. The decision of the German diet was also followed by the menace of military intervention, at the request of Prussia and after Prince William had become the Prussian regent.

As the Confederacy seemed to be in earnest, it became obvious that Denmark must yield a little. Only Holstein belonged to the Confederacy, which could therefore speak only in behalf of Holstein. King Frederick VII, therefore, seized the opportunity, which highly pleased the Eider Danes; and on November 6, 1856, he abolished the Danish constitution for Holstein and Lauenburg, yet retained it for Denmark and Schleswig, thus binding them more assuredly together. But was that a solution which Germans would accept? Of course the ancient right of the duchies to have a real union, *up ewig ungedeelt* (undivided forever), was utterly done away with.

The diet of Holstein replied to the Danish pro-

cedure of March 11, 1859, that the abolishment of the constitution for Holstein also meant the abolishment of that for Denmark-Schleswig: for it was regarded and announced as a general constitution. The German diet soon assumed the same attitude. It was, however, difficult for the feeble and usually inactive diet to express this vague attitude in any practical form. Not until spring, 1861, was there serious thought of military intervention. There always were obstacles; and people had grown to expect greater successes for Germany from direct action by the two great German powers, rather than from the German Union.

Meanwhile the Danes most stubbornly insisted upon their viewpoint; and, as the European constellations of the years 1862 and 1863 were favorable to them, they emphasized their attitude strongly, and rejected every offer of mediation. March 30, 1863, the Danish king issued a new patent, which, more than all previous ones, was contrary to law. Schleswig-Denmark was to obtain a general constitution at the next meeting of the Danish diet. Upon Holstein a new constitution was forced without the consent of the various classes of the country. It was different from that of Denmark and much less liberal, being at almost every point directly opposed to the promises made in 1852.

These constitutions, of course, made the very

worst impression in Germany. Public sentiment was highly aroused; the national associations sought to induce Prussia to take some active steps, severely criticising her foreign policy. In the Confederate diet Oldenburg moved that Germany should regard the treaties of 1852, which Denmark had grossly violated, as no longer valid, and demand the establishment of the ancient rights of the duchies. Hanover used equally energetic language. The diet refused to adopt these extreme measures, but demanded, on July 9, 1863, that Denmark should give definite information regarding the new constitutions, and the position of Holstein in the state of Denmark. It also discussed the formation of an army which was to consist chiefly of inhabitants of Saxony and Hanover. After Denmark had replied unsatisfactorily, the confederate diet decided, almost unanimously, on the 1st of October, 1863, to proceed by means of arms. Denmark's plan was to establish the new constitution for Schleswig and Denmark, and afterward extend its uses into Holstein. She could thus deprive the confederate diet of the chance of military intervention by agreeing to abolish the previous offensive constitution of Holstein. The promises of 1852 were dismissed as quite illusory: the break with Germany was complete.

On November 13, 1863, the new constitution was accepted by the Danish imperial diet. On the

same day the aged King Frederick VII passed away and was succeeded by the Glücksburg "Protocol Prince," as Christian VIII. The latter was thus called on to sign the new constitution. He hesitated, convinced of the fatal outcome of the step he had to take, but Minister Hall overawed him by pointing to the people who surrounded the royal castle, menacing and shouting, and by declaring he would be unable to protect the king's life and throne should he refuse to sign the constitution.

Another interruption of the state plans occurred, one which none had foreseen. All Denmark had believed that the Augustenburgers had renounced their rights of inheriting the Danish crown, but the son of Duke Christian of Augustenburg now announced, after the dying out of the Danish male heirs to the throne, that he was not bound by his father's treaty, and that he expected to reign in Schleswig-Holstein as Duke Frederick VIII. His manifesto was received in Schleswig, where many reforms were expected from Christian IX, with mixed feelings. In Holstein, however, there was tumultuous enthusiasm for the new duke. Soon the sentiment of the people of Schleswig also grew warm; everywhere they took the oath of allegiance to the Augustenburger.

The course of events pleased Germany even more than it did the duchies. Everything seemed to fit

in most beautifully with German wishes: the demands of princely legitimacy, the national movement, and the liberal spirit of the German states. Noble deeds were expected from the confederate diet and its members. The individual minor governments did not hesitate to express their sympathies for the Augustenburger. Baden, Oldenburg, Colburg, and the free city of Frankfort soon became active. The grand duke of Baden even authorized his ambassador to Frankfort to represent the new duke at the confederate diet. The new crown prince of Prussia also aided him. On December 2 the Prussian house of representatives declared that the honor and the interests of Germany demanded the recognition of Duke Frederick.

Yet it soon grew obvious that the leadership of the entire matter was no longer in the hands of the confederate diet, which had long lost all real importance, nor in those of the representatives of the German people. Action must come from the two great German powers; and Prussia, led by Bismarck, began to act from a point of view entirely different from that which had been expected.

CHAPTER XI

BISMARCK AND THE DANISH WAR

WE have discussed the reasons for the reconciliation between Austria and Prussia since the failure of the princes' assembly at Frankfort, in September and November, 1863, inasmuch as they were concerned with internal German history. At the same time, the constellation of the European great powers had changed so that Austria was forced to go hand in hand with Prussia. Napoleon III had carried on an anti-Russian policy during the Russian crisis at the time of the Polish insurrection, a policy which had almost led to war. Now, after the Polish revolution had been quelled, he sought to conceal his defeat by renewing the Italian question. His policy, therefore, must necessarily assume an anti-Austrian character. Austria was thus compelled to seek Prussia's friendship.

At that juncture the question arose relating to Schleswig-Holstein. It was regarded by both the great German powers as most urgent, and their views upon it were not unlike. Thus a position

was reached which made it possible for them to work together. The minor and central German states considered Denmark's dispute wholly from the national point of view, and desired the independence of Schleswig-Holstein under the Augustenburger. The two great German powers, however, had a somewhat different outlook. They were both legally and actually bound by the London agreement of 1852, because of the existing constellation of the European great powers. They also were pledged to the succession of the "Protocol Prince" Christian. They could have no sympathy with regard to the Augustenburger. On the other hand, it was obvious that King Christian had broken the promises which had been made by his predecessor, in 1852, to the German powers, and which dealt with the granting of more freedom to Holstein and Schleswig. He had broken these promises by accepting the Danish constitution of 1863. Thus, from that point of view the great German powers could proceed against Denmark without clashing with any of the other European powers. The decisive point with them, therefore, was not the question of succession, but the question regarding the constitution.

One of the greatest political accomplishments of Bismarck consisted in his recognizing this immediately, despite the pressure of national passions, which thrust the other question to the front. More

than that, according to Bismarck's own account in his *Thoughts and Remembrances,* it seems that, at the first meeting of the cabinet, which gave an opportunity for the purpose, he spoke of his intention of acquiring the duchies for Prussia. The king ordered that the statement should not be entered in the minutes of the meeting. "His Majesty seemed to believe that I had spoken under the Bacchic influences of a breakfast, and would be delighted to hear no more of it. Yet I insisted upon their entering in the minutes what actually took place. The crown prince lifted his hands toward heaven while I was speaking, as though he thought I could not be in my right senses. My colleagues remained silent."

It was recognized that immediate action was needed, especially since the Augustenburger had been proclaimed duke in both Holstein and Schleswig. Intervention thus had to take place as speedily as possible if it was to proceed against King Christian, as being Duke of Holstein, and having in that capacity offended against the London agreement of 1852. Austria and Prussia came to an understanding on November 24, 1863; it was the first step that the two powers had taken in any united action with regard to Schleswig-Holstein. November 26 Prussia began to mobilize her sixth and thirteenth divisions (Brandenburg and Westphalia) and the regiments of the guard: that

is, 60,000 men, a number considered sufficient to defeat Denmark. December 7 the two great powers decided at the confederate diet—the Prussian chamber hotly discussing such unpatriotic politics—that military intervention should take place against the king of Denmark as Duke of Holstein. Of the fifteen members present, seven voted against the motion. The smaller states used all their weight against their chief defenders.

The army was soon organized: six thousand Saxons and six thousand Hanoverians and larger numbers of Austrians and Prussians remained in Hamburg and Lübeck, as a reserve. The Austrians and Prussians advanced under the leadership of Prussia; the Saxons and Hanoverians under the Saxon General von Hake. On December 24 the army crossed the frontier; the Danes, acting on the advice of the European great powers, retreated everywhere. Soon Holstein was occupied.

This whole procedure naturally made the very worst impression upon the national and liberal circles, which sympathized with the Augustenburger. The national association and the reform association decided, on the 31st of December, 1863, to meet at Frankfort in order to raise a protest and discuss further measures. Several central states took the same view. Baden, Weimar, Coburg, Oldenburg and Hesse-Darmstadt adopted resolutions in favor of the Augustenburger; Bavaria

headed the movement. Worse than everything else in the confusion was the fact that the confederate diet yielded to the popular sentiment after the Augustenburger had been proclaimed Duke of Holstein. It even entered into an agreement with him and the government he had established. Of course, that greatly pleased patriotic Germans, and the idea of a second "punitive expedition" grew very popular. Finally it was decided that a new confederate army under King Max of Bavaria should carry out the formal installment of the Augustenburger as Duke of Holstein.

Both the Prussian and the Austrian interests were opposed to this measure. Their army was already afield with one object, and could not permit the interference of another army seeking another purpose. At Vienna it was believed that the activity of the central states must be anticipated by a speedy occupation of Schleswig. Austria and Prussia, therefore, proposed in the confederate diet, on December 26, 1863, that Schleswig should be accepted as pledge for the carrying out of the reforms which had been promised by Denmark in 1852. The person of the Augustenburger and his affairs were thus once more to be disregarded. The diet refused to accept the proposition. Bismarck then urged Austria, on January 5, 1864, to proceed together with Prussia, disregarding the action of the diet, and to demand that Denmark carry out

the promised reforms. Should Denmark respond unsatisfactorily, Schleswig should be invaded within forty-eight hours. Austria consented to Bismarck's plan, but only after Bismarck had threatened that otherwise Prussia alone would proceed against Denmark. This was the first fatal step that Austria made.

The common military expedition of the two great German powers was then arranged in accordance with a treaty, January 18, 1864. With regard to the future fate of the duchies, Austria proposed that it should be determined only by the common consent of the two powers, and that only with the consent of the other should one of the two powers be permitted to disregard "the principle of maintaining the Danish monarchy in its present size, and the obligation to recognize the succession of King Christian." Bismarck suggested the following plan: A Danish war, in case one occurred, would render invalid all previous treaties; after the war the future conditions of the duchies, and chiefly the question regarding the succession to the throne, should be regulated by the two great powers together. Austria accepted the Bismarck proposition.

This treaty was openly announced to the confederate diet, and prevented the latter from undertaking any further measures whatever. King Max's "punitive expedition" was abandoned. The

ultimatum was sent to Denmark January 16, and after an unsatisfactory reply had been received on January 18 war was declared.

The sentiment of the nation at that particular moment was exceedingly gloomy and desperate. The confederate diet was beyond control in its anger. Public opinion even in Austria strongly protested. On January 30 the imperial council most severely attacked the new policy. It was generally believed that the two great powers would once more hand over the duchies to Denmark. Bismarck's plans were unknown even to Austria. Meanwhile there was no time left for consideration; the hitherto unheard-of had become a fact: Austria and Prussia went to war hand in hand in behalf of a national question.

January 20, 1864, the eighty-year-old Prussian general, Count Wrangel, became supreme commander of the allied forces. Faithful and valiant, yet awkward and old, he was by no means a suitable leader. He commanded three armies, of about 57,000 men. The sixth and the thirteenth Prussian divisions were under Prince Frederick Charles; the Austrian corps, chiefly non-Germans, were under General von Gablenz, a Saxon who had taken Austrian service. A second Prussian division was under General von der Mülbe. The Danish army was numerically considerably inferior to the allied forces, since it amounted to only about 40,000 men,

and could be increased at the utmost to 55,000; furthermore it was badly equipped. Yet it was valorous, and had a splendid supreme commander in General de Meza. The Danish army was stationed near the ancient Danework, in a region over ten miles in width, and separating the north of Schleswig from the south.

According to the plan of Moltke, chief of the Prussian general staff, who did not participate personally in the expedition, the allied army was to go around the Danework to prevent the Danish army from retreating to the north, was to drive it toward the sea and there defeat it decisively. This plan of operations was communicated to Wrangel without binding him to it; and he carried it out only in part. He commanded Prince Frederick Charles to make the encircling movement toward the east, and attack the enemy at Missunde; but he himself moved toward the Danework so that a decisive battle could not possibly be avoided. This, it was to be foreseen, would induce the Danes to avail themselves of the Danework.

And so it happened. On February 1 Prince Frederick Charles crossed the Eider and attempted in vain to capture Missunde; on the 5th and 6th he succeeded in crossing the river near Arnis, further east, and marched back toward the Danework from its Danish side. To his surprise, however, he found no Danes. Severely attacked by the Aus-

trians and the Prussians they had finally been driven from the Danework, and retreated toward the north, to Fredericia. During the retreat a hot battle was fought between the Austrians and the Danes near Oversee, on the 6th of February, where Austrian military tactics scored great triumphs, as was the case throughout the entire expedition. The Danes succeeded in reaching Flensburg, and thence the larger part of their army marched toward the well fortified position of Düppel which, being united with Alsen Island, secured the connection with its insular army. A smaller force withdrew toward the north to protect Jutland.

This was the end of the first part of the expedition. The mob in Copenhagen was furious at the lack of Danish success. General de Meza, although he had commanded his army splendidly, was discharged because he had not accomplished the impossible. Copenhagen decided to resist to the utmost. The Danes still possessed the Düppel trenches, the bridge head to the Danish insular world, which gave shelter to the richest strength of the people. They still believed in the energetic sympathies of France, and were assured of the English anxiety which would be caused by the German victories. The Britons, however, displayed their feeling by noisy demonstrations and not by actual intervention.

Far more serious, from the German outlook,

was the fact that the German states, as usual, could not agree among themselves. The lesser powers, led by Bavaria, were by no means pleased with the independent procedure of Austria and Prussia. They still laid stress chiefly upon the Holstein situation, and talked of dispatching South German troops to Holstein. Between the two great German powers there existed differences of opinion regarding the continuation of the war. Moltke demanded that Jutland should be invaded by German soldiers, in order to starve Denmark. Austria, however, protested against any procedure beyond the frontier of Schleswig, and was therefore in favor of attacking Düppel or Alsen. She feared lest the European powers should see an expansion of the aims of the war in the occupation of Jutland, which might perhaps induce Napoleon III to oppose Austria again in Italy. Furthermore, Austria was tired of the war; it grew very unpopular with the Viennese population, and financial distress prevailed in the country, and in the state treasury as well. The difference of opinion between Austria and Prussia became evident and painful after Wrangel, without the consent of Berlin, occupied parts of Jutland on February 10. Prussia had to make an immediate disavowal of his act, and hurried General Manteuffel to Vienna, to bring about a peaceful settlement.

After lengthy conferences with the emperor and the prime minister Rechberg, Manteuffel actually

succeeded in winning over the Viennese court on the 1st of March. With respect to the opposition of the lesser states, it was decided to obtain from the confederate diet authority to take possession of Holstein, and to recall the ambassadors from Frankfort should the diet adopt resolutions favorable to the Augustenburger. Regarding military activities, it was agreed that further attacks should deal primarily with Düppel and Alsen; yet Wrangel should be at liberty to invade Jutland in order to check Danish attacks. With regard to the future fate of the duchies, Austria and Prussia were to decide at a later meeting; all propositions were to be laid before a conference. Thus a new phase of the war now began; orders relative to it were issued March 6. Wrangel proceeded against Jutland; and as early as March 20 the larger part of the country south of the Lüm Frith (*Lim Fjord*) was in the hands of the Germans. At the same time, Prince Frederick Charles, after a futile attempt to capture Alsen by means of a nocturnal attack, prepared his army to storm the Düppel trenches. On the 15th of March the bombardment started; on March 29, the first line was taken; on the 18th of April the fortified positions were stormed. The Danes retreated to Alsen; and the entire mainland of Schleswig was in the hands of the Germans. This was the only great military accomplishment of the Prussians throughout the entire war: 16,000

Prussians had overwhelmed 11,000 Danes who had fought in six fortified trenches, behind palisades, dikes and strongholds. Soon afterward the whole of Jutland was filled with German soldiers and there was not a Danish soldier south of the Lüm Frith.

Meanwhile the European powers sought to intervene, while awaiting the result of the struggle at Düppel. A short time before England had proposed that a conference should be held to effect a settlement of the matter; but in vain, for Denmark had rejected England's offer. Now, however, Denmark yielded. The German powers also consented to a conference, at which the confederate diet was to be represented by Herr von Benst. Prussia was especially willing to cease fighting because France had notified Prussia, on April 9, that Napoleon III would approve if Denmark ceded Holstein and that part of Schleswig which was situated south of the canal. If the people favored the Augustenburger, France would not protest if he were made duke of the country, although Napoleon would by no means be pleased with the establishment of one more minor German state. If, however, the people decided in favor of a union with Prussia, Napoleon would consent to it at the conference.

On April 25, just after Prussia's military triumph at Düppel, the conference was opened. The

first negotiations for an armistice were brought to an end on May 12. On the same day the Austrian fleet under Tegetthoff bravely fought the Danes east of Helgoland. As soon as the diplomats began to negotiate for a lasting peace, immense difficulties ensued. The Danes refused to yield anything of importance. On the other hand, Germany's demand for the complete separation of the duchies from Denmark was backed by a most enthusiastic national movement in Germany. The committee of thirty of the national association of Frankfort and of the reform association were especially active. They laid their demands, solemnly formulated and verified by 1,350 signatures of representatives of the German people, before Benst, the representative of the Confederacy. In Prussia a note was sent to the king requesting the separation of the duchies from Denmark; it contained 30,000 signatures. The strongest movement for separation, however, was in Holstein and Schleswig themselves. And Bismarck was not displeased therewith.

The first thing demanded at the conference by Bismarck, who now controlled the entire Austrian policy, was the full independence of the duchies. The conference was taken aback by that demand. It desired to know more details: what would be the future fate of the duchies? With regard to that, representatives of Austria and Prussia were

silent, especially with regard to the future sovereign of the country. Meanwhile the Danes, freed from their precarious situation on the battlefield, resumed their obstinacy. They declared they would never consent to the independence of the duchies, even though the Danish king became their sovereign. This was just the sort of reply that the German powers needed to justify them in the eyes of Europe. Germany could obviously do nothing less than demand the separation of the duchies from Denmark. Bismarck telegraphed to the Viennese court on May 21, that the Augustenburger might become future sovereign of the duchies, provided he gave the necessary national and Prussian guarantees; but that Prussia would not increase the present confusion by discussing the question of the succession to the throne. She repeated, however, that she would always seek to solve the problem with the approval of Austria.

With this statement Austria was by no means satisfied. She wished to propose immediately to the conference the sovereignty of the duke of Augustenburg. From the Prussian point of view, however, the state of affairs was different. For, of late years, the duke had sought to reign independently in Holstein; it could therefore hardly be assumed that he would afterward consent to a strict military convention with Prussia, to the surrender of the harbor of Kiel, and to various other de-

mands which Prussia meant to make as recompense for her services.

Prussia insisted that the duke of Augustenburg should be appointed only after having promised to grant to Prussia all the concessions she had enumerated. From this position Prussia would not retreat, because personal negotiations between Bismarck and the duke of Augustenburg had shown the Prussians that the duke was as little disposed to yield to her as were the Danes themselves.

While these differences arose between Austria and Prussia, the negotiations at the conference of London offered no means of bringing about a peaceful settlement. On the 28th of May further discussion with regard to the question of the autonomy of Schleswig-Holstein was made impossible, because the Danes always opposed it whenever the border lines of a future independent Schleswig were talked of. Negotiations were resumed on June 2, but brought about a similar result. All that was achieved was the prolongation of the armistice till June 26. On the 25th the conference was finally broken off. Its only result was that Austria and Prussia once more publicly guaranteed to protect the independence of the duchies.

After June 26 the generals once more had the floor. Of course Austria hesitated to partake in the renewed hostilities. She argued against an attack upon Fünen, since that might induce England

to declare war. Prussia yielded, and it was decided (June 24) to occupy northern Jutland beyond the Lüm Frith, and to conquer Alsen. Furthermore, the foreign powers were notified that the concessions that had been made in London would be disregarded during any future peace negotiations. Thereafter war started anew, the Germans being under the supreme command of Prince Frederick Charles. On June 29 Alsen Island was taken despite the menacing intervention of the Danish battleship *Rolf Krake,* and on July 1 the entire island was evacuated by the Danes. The event occurred so speedily and was so unexpected that a panic seized the entire population of Copenhagen. The army had for a long time been furious at the democrats, who dominated Copenhagen; it now openly threatened to proceed against them. In his distress King Christian once more appealed to Napoleon III to mediate, but in vain.

Meanwhile the Germans conquered Jutland. On July 14 Prussian and Austrian banners waved over the junction of the waters of the Baltic and the North Sea, near Skagen. It seemed to the German people as if there was to come a glorious renewal of the centuries of the old imperial times, the period of Otto the Great.

Denmark could do nothing else than directly ask for peace from the German powers. On July 25, 1864, the peace conference was opened at Vienna;

on August 1 the preliminaries were signed; on October 30 the final treaty of peace was signed. The king of Denmark renounced all his claims upon the duchies of Schleswig, Holstein and Lauenburg in behalf of the emperor of Austria and the king of Prussia, and promised to recognize all resolutions which these rulers should adopt with regard to the duchies. As to the two victors, after their common military expedition, the relations between these great German powers were vastly improved. The two monarchs especially seemed to understand each other, although King William still feared the Hapsburg imperial House, a fear which was traditional with the Brandenburgers. The two rulers found genuine pleasure in the memory of the military achievements of their united armies, and they would now have regarded it as unthinkable that they should wage a war against each other because of the German hegemony.

Meanwhile, after the duchies of Schleswig and Holstein had been ceded to Austria and Prussia, there still remained the problem regarding their future fate. Upon this depended the firmness of the friendship between Austria and Prussia. In the latter part of the expedition Austria had only unwillingly consented to the energetic steps of Prussia; the result was that Prussia had assumed leadership in the war and in the diplomatic activities. Was Austria to leave to Prussia the main achieve-

ment of the victory? That was the question which was now to be raised. At first the leading ministers of the two states seemed to feel assured of a peaceful settlement. King William, in August, 1864, undertook a journey to Schönbrunn to visit Emperor Francis Joseph. King William was accompanied by Bismarck and the Austrian minister, Count Rechberg, proposed to them that the two allied powers should stand side by side against France and assure Austria of her Italian possessions. Schleswig-Holstein would, in return, be ceded to Prussia. This was the first attempt toward an alliance of the two great powers in foreign politics, which even today is worth mentioning in the history of the evolution of the idea of dual and triple alliances and quadruple ententes of later years. Nothing, however, was accomplished in that early state of transformation of central-European-German conditions: despite the friendship between the monarchs and between their leading ministers, there still was a tension between the subjects of the two powers, and Rechberg was its first victim in Austria. He was killed October 27, 1864.

The aims of Prussia now grew more and more obvious; she first demanded an outright annexation of the duchies. If that were impossible, she would establish a new Schleswig-Holstein state, whose army should be controlled by Prussia and whose transportation, postal and telegraph systems should

be united with Prussia. Furthermore, Schleswig-Holstein would have to cede to Prussia several important military positions, chiefly the harbor of Kiel. These aims obviously could not be achieved without a decided change of the constitution of the German Confederacy. Annexation was especially difficult because of the counter demands of Austria, unless Prussia would be willing to cede certain tracts of land to Austria, as, for instance, the county of Hohenzollern, or that of Glatz. The attitude of King William made either of these concessions impossible. Thus a conflict between the two powers seemed inevitable, notwithstanding the good will which existed; and it was only a question as to whether Austria could succeed in inducing Prussia to yield by diplomatic means, as in the year 1850.

The most profitable process for Austria was to further the candidacy of the Augustenburger, of whom it was known that as Duke of Schleswig-Holstein he would never grant Prussia's demands, and to make the German confederate diet take a permanent interest in that candidacy. From that point of view, Count Mensdorff, the successor of Rechberg, began his diplomatic activities. In three edicts of November 12, 1864, which were destined to be sent to Prussia and which evidently were different from the previous notes of Rechberg, the Augustenburger was named as future Duke of Schleswig-Holstein. Any submission of the ducal

power to Prussian rule was rejected, and Prussia was accused of attempting to delay the matter regarding the duchies. Prussia was invited to negotiate with the Augustenburger, and, in conjunction with Austria, confer upon him the rights which the two sovereigns had obtained from Denmark at the Peace of Vienna. This whole proposition was diametrically opposed to the Prussian idea.

Prussia wished especially to avoid any intervention of the German Confederacy with respect to the duchies. The Saxon and Hanoverian troops were still in Holstein. They must be withdrawn, first of all. For that purpose, and in order to induce the Confederacy to adopt a favorable resolution, Bismarck requested the aid of Austria. One may say that his action was justified, since the king of Denmark had transferred his rights in Schleswig-Holstein to the two great German powers. Austria refused to go to Prussia's assistance. Yet Bismarck did not permit himself to be terrified into yielding. He threatened the lesser states with force of arms if they interfered, and he induced Austria to consent to this step. On December 5, 1864, the confederate diet decided to withdraw the troops from Holstein. This was the first victory of Prussian politics. Now the Schleswig-Holstein affair concerned no one but the two great German powers.

In order to regulate the existing state of affairs Bismarck seized the initiative, December 13, 1864.

He notified the Viennese cabinet that the interests of Prussia demanded the annexation of the duchies, and that this was also valuable for national reasons. He added that Prussia would also like to solve various other questions, as, for instance, the Oldenburg and the Augustenburg candidacy, although it was clear that neither the former nor the latter was in the possession of rights of inheritance, from a legal point of view. In case of the carrying out of such a candidacy, Prussia was to be indemnified otherwise. Her ministers were all busied with this matter; and Austria would soon be notified regarding the result of their deliberations.

Prussia's alternative demands, although awaited with great impatience, were not immediately announced; but the individual confederate states soon formed their opinion with regard to the matter. Austria was exceedingly displeased with Bismarck's note. Saxony, Darmstadt and a number of minor states, as well as public sentiment in southern Germany, were all against the Augustenburger. The annexation by Prussia was demanded by Oldenburg, Hanover and the electorate of Hesse. Varnbüler, too, the former minister of Württemberg, would not have been against it.

Finally, on February 22, 1865, Prussia's own demands reached Vienna. They said, in part, that Prussia could not permit anybody to rule the duchies who would not make the following conces-

sions to Prussia: the army and navy must be a part of Prussia's military strength, and controlled by the king of Prussia; recruits must be levied by Prussian officers, and Schleswig-Holstein regiments stationed in Prussian garrisons; Rendsburg must become a confederate fortress with a Prussian garrison; the North Sea-Baltic canal, which must be built, should be controlled by Prussia; the mouths of that canal as well as Friedrichsort and Sonderburg-Düppel should be ceded to Prussia. The long list of conditions closed finally with the demand that the duchies must join the *Zollverein*. Austria, highly aroused, declared these demands impossible. So did the other states of the Confederacy.

Thus negotiations now reached a deadlock. On the day on which Austria rejected Prussia's demands Bismarck requested from Moltke an accurate account of Austria's military power. This was the first menacing forerunner of the events of 1866.

Meanwhile the duchies contented themselves with a compound Austro-Prussian government. Bismarck expected that this situation would gradually lead toward Prussian supremacy and the withdrawal of Austria's claims, especially since he had been occupied for a long time with the organization of a Prussian party in the duchies. That hope, however, proved vain. In order to prevent Prussia from gaining the upper hand, Austria relied upon the Augustenburger. He and his party en-

The Victory of Koniggratz.
King William presents his son Frederick William
with the Order of Merit on the field of battle

joyed the full sympathy of the population. Austria could also count upon the general opposition to Prussia's annexation, with its accompanying menacing taxes and compulsory military service. Whenever positive measures had to be carried out, the Austrian commissioner always used to oppose the Prussian, as soon as those measures appeared to be important. Naturally no result could be brought about.

The critical situation of Prussia was still further endangered by a new unpleasantness. Bavaria and Saxony were preparing to demand in the confederate diet that the two great German powers should give information regarding Schleswig-Holstein. They also planned to recommend the installment of the duke of Augustenburg. Berlin learned that Austria had consented to this plan in March, 1865. An occasion seemed thus to have offered itself for breaking off relations with the former ally. Bismarck declared Austria's policy a violation of the previous Austro-Prussian treaty, in accordance with which the two powers were to decide for themselves as to the fate of the duchies. On March 24, 1865, he replied to Austria by removing the Prussian naval base from Danzig to Kiel. That was the dividing road of Austrian and Prussian politics. Bismarck understood the situation very well: "Our tickets," said he, "can be used only for divergent lines." Austria protested and received a sarcastic

reply: "Let her do the same, nobody would protest."

The difference which had arisen was strengthened by the fact that the confederate diet actually accepted the Saxo-Bavarian proposition. The situation became so critical that toward the end of May, 1865, war between Austria and Prussia could no longer be regarded as an impossibility. Prussia, in the course of the nineteenth century, had twice succumbed to Austrian politics, flattered under Metternich, browbeaten under Prince Schwarzenberg. Would she yield for a third time? Bismarck was not the man to do it. He demanded that an ultimatum be sent. During a cabinet council (May 29) he distinctly expressed his position, although the king hesitated to take the bold advice of Bismarck and Moltke. A renewed examination of the hereditary rights of the duke of Augustenburg by the Prussian Crown Syndicate showed that they were insignificant: then Prussia formally removed his name from consideration by the diet, and demanded that Austria should withdraw him from Holstein. On June 30 King William sent a personal letter to Emperor Francis Joseph, but without any result. Thus nothing was left but the sending of a formal ultimatum.

To discuss the ultimatum King William called a meeting of his ministers, at Regensburg. On June 21, 1865, while on his journey from Carlsbad to

Gastein, the purport of the ultimatum was modified to the following: the exclusion of the duke of Augustenburg from the candidacy as long as he should insist upon his Holsteinian usurpatory position; negotiations with regard to Schleswig-Holstein, after Austrian propaganda should cease; Prussian measures for her own purposes in Schleswig-Holstein unless the meeting of the Austrian and Prussian monarchs at Gastein should lead to some other solution.

The Prussian ultimatum found Austria in a highly critical internal condition. After the overthrow of absolutism in Austria, at the close of the Italian War in 1859, and after the establishment of the February constitution in 1861, Schmerling, prime minister of Austria, experimented with liberal reforms in a centralistic sense. It soon became obvious that the new constitution with its outward liberal programme, which could be carried out by giving preference to the Germans, did not meet with the demands of the other less highly developed nationalities. Hungarians, Croatians, Czechs, began to be active in protest. The situation became still more critical because of the badly arranged finances. In 1864 there was a deficit of twenty million florins, and the budget was exceeded by seven million florins. The result was that the parliament feared to make new allowances: it sought to be economical in every respect, especially with

regard to the equipment of the army. Instead of 107,000,000 florins, which were demanded in 1865, only 79,000,000 were granted, despite all protests on the part of the government. On June 21, 1865, the minister of finance obtained only 13,000,000 florins for 1865, instead of 117,000,000 that had been demanded. Those 13,000,000 were granted only because the interest on the public debt was due on July 1. Of course the army, the nobility and, chiefly, the emperor were highly aroused. There was also a good deal of discontent among the clergy. The latter were hostile to the new régime on account of its favoring the Protestants, as well as because of its ignoring the papal encyclic and syllabus of 1860. But could the government rely upon its own party, the liberals? Unfortunately the liberal bureaucratic position and pedantry was equally offensive to the government. An utter change of system was therefore brought about. All the liberal ministers, with the exception of the minister of war and Count Mensdorff, were dismissed toward the end of June, 1865. In their place the Belcredi cabinet was established, which was to rule absolutely, in the sense of Metternich. Thus the future of the monarchy was wholly uncertain at the time the Prussian ultimatum was received. Some political stratagem was feared because of the miserable financial conditions.

Nothing remained but to yield, since Prussia

would not. Under such conditions the Treaty of Gastein was brought about, on the 14th of August, 1865. According to this treaty the sovereignty of the two great German powers was reëstablished in Schleswig-Holstein. The government, however, was to be divided; Austria ruled Holstein; Prussia, Schleswig. Lauenburg was definitely ceded to Prussia, with which it entered into a personal union, Austria being indemnified by 2,500,000 Danish thalers. Rendsburg became a confederate stronghold; Kiel a confederate port under Prussian suzerainty. Finally Prussia received a postal and telegraph line to Schleswig by way of Holstein. On August 20 King William and Emperor Francis Joseph met at Salzburg and solemnly ratified the treaty.

CHAPTER XII

THE DISPUTE WITH AUSTRIA
1865-1866

TO the diplomatic world, the Schleswig-Holstein treaty seemed to be a triumph of Prussian politics. King William made Herr von Bismarck a count. Bismarck himself thought differently; he regarded the treaty as "a gluing together of cracks in a building," and only the unfavorable foreign situation, caused by the unreliability of Napoleon, the irresolution of the Italian government to which he had appealed with regard to a treaty against Austria, and the anti-Prussian policy of the central states, prevented him from taking still more energetic steps.

German-national circles, however, were highly aroused over the deceitful policy of the German great powers and the supposed dismemberment of the *up ewig ungedeelten Lande*. The national association of the liberals, the South German popular party of democrats, the *makro-German-ultramontane* reformatory association: all of them protested. In Prussia, however, many people, including the

worst opponents of Bismarck, began to think differently about him. They refused to yield to the demands of the southern and central states. Politically enlightened circles gradually began to sense the political and diplomatic greatness of the Prussian minister. The foremost historians—Ranke, Droysen, Sybel, Drucker, and even Mommsen—approved of his programme. And it was obvious that the *makro-German* party received the first, almost fatal blow because of the newly created conditions. This blow was the defeat of German centralism in Austria, which led to the dismissal of Schmerling.

There was yet another way of regarding this Treaty of Gastein. General von Manteuffel afterward wrote: "At the convention at Gastein it was obvious that people would be able to see within three months whether Austria meant honestly with Prussia. Otherwise war would be declared and unpleasant alliances concluded." That was the opinion which prevailed in Berlin. Bismarck foresaw that the new negotiations with regard to Schleswig-Holstein would hardly be of any result. He therefore began at once to think of war with Austria,—that war of which he had often dreamed, even while Prussian ambassador to Frankfort,—as the sole means of healing German discord.

Meanwhile the Prussian government in Schleswig and the Austrian in Holstein branched out along different lines despite the friendship between

the two governing powers. During the first few months, the state of affairs was quite satisfactory. General Edwin von Manteuffel became Prussian governor in Schleswig. He immediately organized a very peculiar government. Amid constant, petty conflicts with Berlin, from which he asked less money than he obtained, he sought to win over the country itself. He traveled and made speeches: "I will cover with my body every piece of land that is larger than seven feet, ere it shall be ceded (to Denmark)." His rule was none the less very severe, and nobody was satisfied. Meanwhile, in Holstein, the good-natured Austrian, General von Gablenz, ruled. He did a great deal in behalf of the country, yet did not interfere with the ancient self-government of the province. He was therefore liked by all. He was strict only with the press, which was not permitted to offend Prussia; he therefore enjoyed the friendship of the Prussian government in Schleswig. Once more, during the first few months following the 15th of September, 1865, the relations between Schleswig and Holstein, Prussia and Austria, seemed to be friendly.

The harmony between Austria and Prussia also showed itself at the meetings of the confederate diet. After the question with regard to Schleswig-Holstein had once more been raised as a question concerning the Confederacy, the two great powers stood solidly against this view, and the motion of

Bavaria, Saxony and Hesse-Darmstadt with regard to it was defeated, November 18, 1865.

Soon afterward the position changed. The Austrians in Holstein gradually yielded to the party of the Augustenburger. This was because Prussia had begun to enter into more intimate relations with Italy through the conclusion of a commercial treaty. A combined Italian and Prussian offer to purchase Venice and Schleswig-Holstein, paying Austria some of the money she so sorely needed, was rejected by Vienna. After this, the propaganda in the Elbe duchies, especially Holstein, increased daily, and affairs seemed to return slowly to the conditions before the Treaty of Gastein. Next Austria openly declared she would not become hostile to the Augustenburger. Prussia continued negotiations, till checked by a further statement of Austria, declaring she regarded as binding the sympathetic declaration of the confederate diet, made on May 28, 1864, in behalf of the Augustenburger. This was directly contrary to the Treaty of Gastein, and led Bismarck to attempt for the last time to re-establish the friendship between the two German powers.

On January 26, 1866, he telegraphed to Vienna stating that a negative or evasive reply to his protests would be equivalent to the statement that Vienna no longer could go hand in hand with Berlin. Receiving an unsatisfactory reply Bismarck

told the Austrian ambassador that the old intimacy had gone; Prussia was in exactly the same relation to Austria as to any other European power. Considering the former close friendship between Austria and Prussia in all German matters, Bismarck's statement signified the end of a common policy and the beginning of a break. There was now only a question of gaining allies for it.

Owing to the long friendship with France, which Bismarck had strengthened in the autumn of 1865, at a meeting with Napoleon III at Biarritz, Berlin hoped for assistance from Paris. Definite promises had not, however, been made in case of a war with Austria. Prussia also sought assistance from Italy. In 1861 King Victor Emmanuel had been proclaimed king of Italy, after he had added to his Piedmont hereditary lands Naples, parts of the papal dominions, Modena, Parma, Tuscany and Lombardy. Napoleon had been compelled to agree to this, although he had desired a confederacy of the independent Italian states under the leadership of the pope. Austria, on the other hand, had retained Venice against the will of Napoleon, chiefly because of the Prussian mobilization in 1859. Napoleon himself had annexed Nice and Savoy. Furthermore, after the battles of 1859, Napoleon controlled a very important part of Italy—Rome. He could not give it up without antagonizing the French clergy. Yet the united Italian forces were

determined, with ever-increasing desire, to regain Rome. On March 27, 1861, Cavour announced in the Italian parliament that Rome was the natural capital of Italy; soon afterward Garibaldi sought to capture it. The Italian king had to oppose Garibaldi for fear of war with France; but an Italian note of September 10, 1862, declared to all Europe that Italy could not long remain without possession of Rome. The result was that Italy turned away from Napoleon. Italy sought to solve the Venetian problem instead of the Roman, and for that purpose made threatening preparations against Austria. Yet conditions in Europe were not favorable for these plans, and the only result of Italy's policy was a deficit in her finances of more than 600,000,000 lires.

In this distress Italy once more appealed to Napoleon III with regard to the Roman question, in May, 1864. At that time Napoleon was no longer at the height of his power. Almost all his deeds of greater importance had been achieved: his *coup d'état,* the Crimean War, the creation of the national Roumanian empire, the development of Italy, and the acquisition of Nice and Savoy for France, a progressive series of successes. Now, however, a reverse order ensued. It became very difficult in Europe to further the idea of emancipation of the smaller nations, at least in the interests of France. Italy had quarreled with Napoleon;

and his negotiations with the czar in behalf of the rebellious Poles, in 1863, were a diplomatic failure. Still worse was the failure in Mexico. Suddenly the French emperor's personal power grew weaker. Increasing ill health destroyed his energy; he grew old while still young. He drifted more and more into the realm of political fancies, which had always been his favorite study; and he succumbed to the influences of a wife in whom previous experiences of life had developed a trait of bigotry. These changes took place at an opportune moment for an autonomous conclusion of the central European national movements, the Italian as well as the German, which should not be forgotten if one wishes to understand their fortunate outcome. Now, in 1864, they furthered Italian interests. Napoleon, in his systematic enmity against Austria, was willing to negotiate with Italy regarding the Roman question. The result was the treaty of September 15, 1864, according to which the French were to evacuate Rome in 1866, and the pope was to hold the *Patrimonium Petri* together with Rome as an independent dominion. As a guarantee of an eternally papal Rome, the capital of United Italy was to be removed to Florence. It was a treaty which King Victor Emmanuel concluded with a bleeding heart: for he had to leave Turin, his hereditary residence, for the sake of another city than Rome. Yet a huge step was made toward full

Italian unity. All Italy with the exception of Turin and Piedmont was enthusiastic. The Roman problem was solved for the moment; and it was now possible to pay attention to the Venetian. For this the conflict between Austria and Prussia was to be made use of. La Marmora, minister of Piedmont, hesitated whether he should side with Austria and buy Venice, or whether it would be more profitable to fight for it, in alliance with Prussia. As late as 1865 he still negotiated secretly with Austria.

Prussia, under these circumstances, began, in February, 1866, to negotiate with Italy. The possibility of success was large, despite the suspicious character of La Marmora; for Italy still obeyed the orders of Napoleon. Napoleon was, as we have seen, still friendly to Prussia. He insisted that Italy should conclude a defensive and offensive alliance with Prussia; and Italy herself regarded it as profitable to enter such an alliance. On February 24, 1866, Prince Cuza of Roumania had been dethroned. It therefore seemed possible to the Italian cabinet to offer Roumania to Austria in exchange for Venice. In order to achieve this exchange strong influence had to be exerted upon Austria, and for that purpose an alliance with Prussia was needed. On March 14, 1866, the Italian general, Govone, arrived at Berlin to conclude the treaty, after Prussia had just decided to send Moltke to Italy.

During the tiresome negotiations which commenced, the Roumanian project was put aside. Austria was to be deprived of Venice without indemnity, by means of a great war. This change in policy was very favorable to Prussia; she could now demand far-reaching concessions from Italy. Furthermore, Napoleon continually urged the latter toward the treaty, for he hoped that a war between the two great German powers would be profitable for his country. He planned for France an eventual possession of the Rhenish provinces and Belgium.

Thus, a Prusso-Italian treaty was concluded on the 8th of April, 1866. Italy promised to attack Austria within three months after Prussia should have taken up arms. It was also decided that neither Italy nor Prussia should make peace or conclude an armistice without the consent of the other. The final aim of the war was the cession of Venice to Italy, and some great Austrian territory to Prussia, or, in lieu thereof, concessions regarding the German hegemony.

On the first report of Prusso-Italian negotiations Vienna had begun to mobilize; March 2, six cavalry regiments and six batteries were fully equipped. On the 7th and 14th of March marshal councils were held, which were attended by all the ministers and by eighteen generals; it was decided to increase the army in the province near the Prussian fron-

tier. Owing to these Austrian measures, Prussia could not remain inactive; March 27, the Silesian and Elbe strongholds were well fortified, horses were bought for one-half of the artillery, and every one of the seventy-five battalions of the infantry was increased from 530 to 685 men. The mobilization of the two German powers grew larger from day to day, especially since Austria began to notice that Italy, too, was mobilizing her forces. That was actually true, although the Italian forces were not formally ordered to mobilize until the 26th of April.

Of course the minor and central states of Germany could no longer ignore the seriousness of the situation. Although a partial mobilization had already been ordered, they called a meeting for May 16, to be held at Bamberg, to discuss the existing state of affairs. In order to act in accordance with the Confederacy, they decided that every one should mobilize his own forces, and not try to mobilize a confederate army. Yet the Austrian general, Prince Alexander of Hesse, was appointed supreme commander, and an anti-Prussian attitude was thus quite plainly evident.

Meanwhile, in the middle of March, Vienna attempted to obtain information regarding the intentions of Prussia, and to reëstablish its friendship with the German central states, which had vanished during the Austro-Prussian intimacy. The Aus-

trian ambassador at Berlin, Count Károlyi, was instructed to ask Count Bismarck pointblank: "Whether the court of Berlin really intended to disregard the convention of Gastein, and undermine the fundamentally warranted peace among the German confederate states?" On the 16th of March Count Károlyi fulfilled his duty. Bismarck replied with an emphatic "No!" and sarcastically commented on the construction of the Austrian question, saying he "would give the same answer even if Prussia stood on the eve of a declaration of war." Regarding the establishment of friendly relations between Austria and the central states, great difficulties arose for the Austrian policy in Germany. Prussia *per se* was a German power; in order to be a German power she needed no hegemony in Germany through the mediation of the Confederacy. Austria, however, stood outside Germany, and was almost unable to exert any influence whatever upon the fate of the nation without the mediation of an institution such as the Confederacy. That had been one of the strongest motives which had led Austria to cling to the idea of the Confederacy. Both at Vienna and elsewhere the decline of the confederate institutions was foreseen. Prince Schwarzenberg had already said: "God knows, I am no admirer of the existing confederate institutions. . . . According to my insignificant opinion the old confederate diet is a senile, worn-out affair, in nowise

serving present conditions. I even believe that the fundamentally wrong, crazy booth will collapse disgracefully at the next inward or outward attack." Yet that booth was needed—and badly at that! It was needed especially as an Austrian bulwark against Prussia. The intimate Prusso-Austrian relations had for a long time displeased the central states, because they had been rendered powerless in the confederate diet. The severance of those relations meant the increased importance of the Confederacy. An intimate manifesto, sent to the German governments, told them that Austria would appeal to the Confederacy in case Prussia should reply unsatisfactorily to Károlyi's note, and that the fate of the duchies ought to be decided by the Confederacy also.

As the Austrian government thus tried to secure the legitimate power of the Confederacy, Prussia also sought to gain the national sympathies of the movement toward unity. March 24, Bismarck sent to the German governments an edict which accused Austria of attempting to bring about once more the dangerous situation of 1850, through the concentration of troops in Bohemia. He also suggested the plan of a great reform of the Confederacy. Shortly before he had informed Bavaria of this plan and had been assured of Napoleon's sympathies. On April 9 the Prussian ambassador to the Confederacy, von Savigny, moved at a meeting

of the diet that a German parliament should be established to consist of members chosen by general, direct vote. The confederate diet was to set the date for the meeting of the new national assembly. The governments were supposed to arrive at an agreement with regard to the new constitution of Germany; the parliament was to discuss the fundamental law. Everybody was astonished over that motion. "The Prussian aristocrat Bismarck would introduce the democratic system of election of 1848," they shouted. Foreign countries regarded this as insanity. Within the country itself all were suspicious, liberals as well as conservatives, noblemen as well as ordinary persons, and even the German crown prince did not believe in the sincerity of the motion. Only in the second chamber of Baden a resolution was adopted in behalf of Prussia. And one able democrat at least, named Ziegler, former burgomaster of Brandenburg, joined the party of Bismarck to the great amazement of the liberals.

Bismarck, however, regarded that motion as perfectly sincere, as became obvious from later events. If one seeks to explain this fact, which his contemporaries could not seem to comprehend at all, one arrives at fundamental, and hence hidden, facts concerning the personal character of Bismarck as well as the general trend of the times. It has frequently been said and fully explained how that

trend, first of all, had to lead to a general and equal right of election—out of the general presuppositions of subjectivism to rights of election, or what today are called "democratic institutions." But just that democracy which, in its radical evolution, stood at the entrance of the new age, as did radical liberalism at the entrance of the preceding one, bore in itself a necessary corrective in views and institutions which we designate today as imperialism. In that sense Napoleon III had opposed the well-organized democracy of France through numerous measures of his government, which had been called specifically imperialistic, and availed himself of the democracy in the form of a plebiscitum. To us this now appears the most didactic and at the same time the most modern side of his government.

Bismarck's character contained traits which enabled him to understand democracy and imperialism in the same manner; they were due primarily to the eccentric nature of the activity of his will. It is this part of his nature which, so far as democracy is concerned, was once expressed by his intellectually inferior opponent, Rechberg: "If there is a change in the Berlin cabinet, it is the horrible Bismarck's turn, a man who would even take off his own coat and step on the barricade." Indeed, Bismarck never hesitated for a moment to associate with men whom other people called revolutionary;

his relations to Lassalle are best known; yet in the days which began his political activity he had entertained relations with the Hungarian revolutionaries, though only for the sake of foreign politics. This nature enabled Bismarck to possess a sincere, and therefore almost careless, comprehension of both the radical and the conservative elements: a fact which in the field of modern democracy had necessarily to result in imperialistic tendencies. Very often, indeed, Bismarck had argued that to introduce the general franchise was a purely conservative measure. As early as 1863 he saw, judging from that point of view, both safety for the crown and a guarantee of the unity of the nation, in a parliament chosen by an actual open election by the people.

"This guarantee," said a pamphlet of that time, "Your Majesty's state ministry can find only in a real national representation, in which the entire nation should partake. Only national representatives will offer to Prussia the guarantee that she has nothing to sacrifice which does not benefit the whole of Germany. No organism of confederate offices, no matter how artificial it is believed to be, can exclude the game and countergame of dynastic and particularistic interests, which must find its counterbalance and its corrective in representatives of the nation. In an assembly which is the result of direct election,

covering the whole of Germany, in accordance with the population, the center of gravity will never fall outside of Germany or upon a single part which inwardly separates itself from the whole. Prussia can, therefore, enter into that assembly. The interests and the needs of the Prussian people are essentially and inseparably identical with those of the German people. Wherever the German element gains real importance and significance, Prussia never will have to fear lest she might be dragged into a policy which is against her own interests."

Owing to this conception of conditions, it was merely a question whether Bismarck would possess the necessary boldness, or, in accordance with the views which prevailed during the sixties, the necessary unscrupulousness to make practical use of the expected combination of democracy and imperialism. In order to decide this question, let Herr von Rechberg take up the narrative. As early as 1860 he stated: "If Herr von Bismarck had a complete diplomatic training, he would be one of the first statesmen of Germany, perhaps *the* first. He is brave, firm, ambitious, full of spirit; yet he is unable to sacrifice an adopted idea, a prejudice, a political attitude, to any principle of higher order."

Indeed, so it was: Bismarck was very, very far from the idealistic art of diplomacy of the first half of the nineteenth century. Of course, in the field of Prussian politics, and aided chiefly by economic

politics, another leader was also beginning to emancipate himself. This was Manteuffel. But Manteuffel still remained under the influence of a weak political doctrinarianism, which was characterized by its fundamental opposition to the liberals. As early as the beginning of the fifties, Bismarck had proved himself to be the representative of no preconceived doctrine. He watched with unprejudiced eyes each path of interest and power. The difference of his views from that of Manteuffel had stood out clearly during the negotiations with Hanover regarding revenues. During the middle and toward the end of the fifties he had grown firm in that intellectual attitude, so that he was enabled to weigh and decide the most important connections of foreign politics.

Thus, in his great pamphlet of May 18, 1857, he stoutly fought against the idea that a constitutional power should not unite itself with a dynasty which had evolved out of a revolution. And he used this statement with regard to France. This standpoint gave him his first freedom which flowed, as it were, out of the clear conscience of his thoughts, with regard to a proper estimate of the live political powers. He was, like Prince Felix Schwarzenberg and Queen Victoria, one of the first who had been able to understand and to welcome Napoleon III as a counter-revolutionary power and an imperialist. If one adds thereto the unconscious

grandeur of his political conception, the extraordinary susceptibility of his political views with regard to modern evolution, and if one also considers the foolhardy certainty with which he ingenuously played with growing things and things already grown, one comprehends how hastily and heartily he was convinced by the words of Uhland, that "no one would rule Germany unless he should be anointed with a full drop of democratic oil."

Who among our contemporaries, looking upon these matters from the vantage point of more than two generations, would believe it possible that Bismarck could have been understood by the people of his time? On the other hand, it was characteristic that the German governments no longer dared reject Bismarck's proposition (in April, 1866) for an elected parliament, although it was not in accord with the liberal movements of the nation. German governmental art was too near the real, deeper flow of events. With the active assistance of Bavaria, the confederate diet appointed a committee on the 26th of April, while the Prussian ambassador laid the other Prussian ideas regarding reforms before the confederate diet on April 11. These ideas showed a character of great moderation, and it actually seemed as though a reformed Union could be established. The London *Times* dared predict in a haughty editorial: "As we may very

well assume with regard to the existing state of affairs, there are good reasons to hope that the peace of Europe will be maintained. To what point, or pointlet, the honor of the opponents would or would not remain intact thereby we admit that we care very little."

Despite the attempt of Prussia to make the existing difficulties a national affair, Austria firmly clung, in her few but emphatic diplomatic notes, to the question regarding Schleswig-Holstein as a *casus belli*. On April 26 she offered to make to Prussia small concessions in the duchies; unless they were accepted, she would put the entire matter before the confederate diet, and at the same time call upon the people of Schleswig-Holstein to express their views. To this proposal Bismarck did not respond at all. Austria further attempted to interest Napoleon in her behalf, and found him quite willing. The French emperor had expected that Prussia would cede certain territories to France for his self-interested services, but he was sorely disappointed in this. Aside from a few insignificant concessions, Prussia surrendered him nothing, and he therefore turned his back on her. During the last few days of April and subsequently, Austria negotiated with Napoleon, making offers which were big enough to induce him to join her, and to attempt to persuade Italy to disregard the Prusso-Italian alliance. But it was too late. In Italy,

every one was enthusiastic over a war with the tyrant Austria; mobilization had already been ordered; and La Marmora withstood the French lure.

Thereafter, Napoleon was friendly toward Austria, although he did not yet show his hostility against Prussia. He changed thus chiefly because of public sentiment in France, which, as expressed emphatically through Thiers' legislative body of the 3rd of May, was thoroughly anti-Prussian. But as Austria had made promises only if Italy could be kept out of the conflict, and as Prussia had promised nothing at all, Napoleon saw no way to benefit by the threatened war. His all too "delicate" policy had led to naught. He therefore sought to make use of one of his old remedies, a European congress. He thought he could thus avoid war and yet be able to profit at the expense of Germany. The plan ended in dismal failure. Austria, which fain would have ceded Venice to Napoleon for Italy, did not wish to be compelled by a congress to do so without a war. On May 28 she therefore accepted the invitation to the congress on the condition that the pope should be present during the negotiations, a condition which had already been rejected by the neutral powers, and on the second condition that the congress should not even discuss the question regarding the cession of territory to or by one of the belligerent powers. That

practically meant rejection of the invitation. The French idea had come to naught, and any influence on the part of the great European powers was dispensed with.

Yet it was characteristic of Napoleon that he still attempted to gain new territory for France. He once more negotiated with Austria, in order to profit by the war which now seemed inevitable. At the same time he negotiated with Prussia, but without success. Besides, he regarded the negotiations with Prussia as less important; for, according to the reports of his generals, he was fully convinced that the Prussians would be ignominiously beaten.

His attitude toward Austria was different. On June 12 he concluded a treaty in which Austria, as far as Germany was concerned, promised to make no political or territorial changes without the consent of France. It was understood that, if Austria conquered German territory, France would be permitted to take part in the booty and seek to conquer German borderlands, such as the Rhenish provinces. Furthermore, the pope was assured of his present territorial possessions, and France promised that she would reconquer all provinces, marches and legations of which he had been deprived in the course of the Italian movement for unity. The Austrian chancellor of state, Beust, regarded that treaty, as soon as he had learned its contents, as the most incredible document he had ever heard of,

as emanating from a democratic France and a supposedly German power. But Napoleon was very happy over the conclusion of the treaty. He regarded it as a sure guarantee that he would obtain the left bank of the Rhine. So sure, in fact, was he that he dispatched an imperial letter to his minister, Drouyn de Lhuys, who read it before the legislative body on June 12, preparing for annexation.

Hardly more than a month earlier, on May 3, Thiers had predicted in one of his famous chamber speeches that Prussia would be victorious in case of war, and that Germany united by Prussia would become the scourge of France. He well knew that it was Napoleon who had brought about the agreement between Prussia and Italy.

In Germany itself things had meanwhile progressed very rapidly. Vienna hastily changed its former policy of hesitation, and mobilized the southern army against Italy on the 21st of April, and on the same day appointed Archdukes Albrecht and Benedek supreme commanders of the southern and northern armies respectively. What was the sense or meaning of an Austrian note sent to Prussia on the 26th of April, to the effect that Austria would be willing to demobilize her forces in the North? After the mobilization of the southern army, which might eventually be used for operations in the North, things no longer could be

undone. Even King William, who had always hesitated because of religious and moral motives, was now determined to open hostilities. With regard to Bismarck, who was taken ill more than once during his life whenever he was unable to carry out his lofty aims, Roon wrote: "Otto has almost recovered because of Austria's procedure, he has slept soundly for at least two successive nights, and we may hope that he will soon be all right. . . ." On May 3 King William signed the first orders for the mobilization of five army corps out of the total number of nine. Between May 5 and May 12 the entire military force was mobilized and ready to attack.

Even now, one more attempt was made to bring about a reconciliation between the two powers. Baron von Gablenz it was, a brother of the Austrian general, who worked in conjunction with Bismarck, between May 13 and 20, in behalf of a constitutional project for Germany. Schleswig-Holstein was, in accord with Austria's desire, to become an independent duchy under a member of the Hohenzollern family. Two confederate empires were to be established in the South and the North, under the military leadership of Austria and Prussia, closely connected with each other, mutually guaranteeing their territorial possessions, including Austria's Italian possessions. The plan was crowned by Bismarck's characteristic proposition: "Now that

we are ready for an attack, let us both turn against France with the intention of forcing her to cede Alsace. Austria could get Strasburg and Prussia regain Metz!"

Gablenz laid these propositions before the emperor Francis Joseph on May 25, in an interview which lasted over an hour. It seemed that he had been successful; for he was dismissed graciously. But on May 28 Berlin was notified that the Viennese cabinet had rejected the Gablenz propositions. On the very same day Austria brought the question regarding the duchies of Schleswig and Holstein before the confederate diet, and announced that Governor von Gablenz had been ordered to call a meeting of the various estates of Holstein.

Because of the existing state of affairs, this procedure meant war; for the treaty of January 16, 1864, was still valid, in accordance with which the two great German powers could decide about the duchies only in unison. Bismarck explained the situation to Germany and to Europe in a circular of June 4, which fully discussed the general aspect of all differences. Soon afterward, on June 10, he asked all the German governments to agree to a reform of the Confederacy. But he did not succeed in thus removing the *casus belli* from the Schleswig-Holstein basis to the more general German field of national unity, a change which would have benefited Prussia a great deal. On June 11 the Bavarian

minister, von der Pfordten, justly wrote: "If you want annexation (of the duchies) at any price, even at that of war, then war is inevitable. If Prussia does not care about annexation, then war is impossible. If Austria should begin hostilities for any other reason, she probably would remain completely isolated. If war should be waged for the sake of the duchies, I at least believe that Prussia would remain isolated. God is my witness that I am not guided either by antipathy against Prussia or by sympathy for Austria. As a German I entreat you, do you once more hold counsel with your strong soul ere the decisive word will be uttered, the consequences of which are incalculable."

At that moment, however, the decisive events had already occurred, or had already reached decision. Gablenz summoned the estates of Holstein to meet at Itzehoe on June 11. On the 6th Manteuffel announced that this would mean a violation of the Treaty of Gastein, as well as an annoyance of the confederate diet through the matter regarding Schleswig-Holstein, and that he would send Prussian troops to Holstein just as Gablenz might send Austrian troops into Schleswig. On June 7 Prussian troops invaded Holstein. Gablenz protested against that procedure, assembled his small brigade, 4,800 men, and left the country on June 11, to reach Bohemia. Meanwhile, Manteuffel occupied Holstein, removed the Austrian country commis-

sioner and prohibited meetings of the various classes of the country.

Thereupon, on June 11, Austria told the confederate diet that Prussia had violated the Treaty of Gastein, and moved that the entire confederate army should be mobilized against Prussia. On June 12 she recalled her ambassador from Berlin and handed passports to the Prussian ambassador in Vienna.

On June 14 the motion was put to a vote at Frankfort. A Bavarian motion was carried, to the effect that the contingents of the minor and central states should be mobilized in order to prevent eventual disturbances of the peace of the Confederacy, thus naming neither Prussia nor Austria as the objects of the attack. After the votes had been taken the Prussian ambassador, von Savigny, rose and addressed the meeting. He declared that Prussia would regard the adopted resolution as a declaration of war against a member of the Confederacy, and therefore as a breach of the latter; for in accordance with the law of the Confederacy the declaration of war against one member was impossible. His Majesty the king of Prussia would therefore regard the confederate diet as extinct and treat it as being so. Still he would firmly cling to the principle of national unity, and would lay down the character of a new, up-to-date unification, by declaring that he would be willing to establish a

new confederacy with those governments which should be contented therewith. The ambassador, so he said, fulfilled the orders of his government by stating that his previous activity in the Confederacy had come to an end.

CHAPTER XIII

THE SWIFT AUSTRIAN CAMPAIGN

AT the time of the outbreak of the war, in the middle of June, 1866, public sentiment in Germany was very unfavorable to the Prussian enterprise. In Prussia itself the people greatly disliked war, primarily in the Catholic-*makro-German* regions of the Rhine and Westphalia; that was made evident by various petitions and resolutions. At variance with this sentiment were the warlike notes sent to King William by the communal officials of Breslau and the old liberals of Halle. In southern Germany, too, almost everybody interested in politics was anti-Prussian, especially the democrats, ultramontanes, and *makro-Germans*. The friends of the "lesser Germany" national association, however, began to see their way more clearly. This was the first metamorphosis of their views: they prayed for Prussia's victory! Such was the feeling in certain parts of Bavaria and Suabia, in a great many parts of Hanover and Thuringia, and chiefly in Hesse. These views promised Prussia, at any rate, some welcome re-

ceptions in central and northwestern Germany as far as the Main.

In these regions it was a matter of great import for Prussia to obtain quickly definite information regarding the attitude of the governments. If they should be hostile to Prussia, they would have to be defeated speedily, so as to leave Prussia free to develop her military activity in the main theater of war, the struggle against Austria. Accordingly, Prussia proceeded both militarily and politically. The troops that had occupied Schleswig-Holstein were commanded by Manteuffel, the Rhenish-Westphalian troops by Beyer and Goeben, and the Saxon by Herwarth von Bittenfeld. These armies were to invade the electorate of Hesse, Hanover and Saxony. After the dissolution of the German Confederacy on June 14 the rulers of these three states were asked, on the 15th of June, to maintain strict neutrality and accept the motion regarding the reform of the Confederacy, which had been made at Frankfort on the 14th. In case of satisfactory reply, sovereignty and territorial possession were to be guaranteed them; if they refused, war was to be declared upon them. The ultimatum requested a reply before midnight between June 15 and 16.

All three states decided against Prussia. Saxony rejected Prussia's ultimatum on the eve of June 15. At the very same moment Prussian troops crossed the border. The Saxon army retreated to Bohemia,

and on June 18 the Prussians occupied Dresden. The country government remained in the hands of a committee of Saxon ministers who were controlled by a Prussian civil commissioner, von Wurmb. The Prussian Elbe army, led by Herwarth, advanced toward Bohemia. The troops in western Germany, however, remained as the main Prussian army under the supreme command of General Vogel von Falckenstein.

In the electorate of Hesse, the elector who was promised a part of Hesse-Darmstadt in case he would maintain strict neutrality justly condemned such barter: "I want nothing from my Darmstadt brethren; poverty and a noble spirit are better; I have never yet left the path of righteousness." Wonderful words, indeed! He then abused Bismarck and dismissed the Prussian ambassador, saying: "I must regard you as a disturber of the peace." On the following day, June 16, General Beyer advanced toward the electorate of Hesse by way of Wetzlar and Giessen. The elector had no time to mobilize; only about 5,000 men of his troops joined the confederate army at Frankfort. On June 19 he was captured at Cassel, and later was brought to Stettin.

In Hanover the Prussian ambassador delivered the Prussian ultimatum on the morning of June 15. Almost at the same time, Rudolph von Bennigsen moved in the Hanover diet that strict neutrality be

declared. After long consideration and hesitation the government rejected the ultimatum at midnight, but requested to be permitted to reply to it later on. However, no sooner had the clock struck twelve than the Prussian ambassador declared war on Hanover. At four o'clock in the morning, on June 16, King George and his ministers left for Göttingen, where the army was to gather. At six A.M. on the same day, Manteuffel and Goeben invaded Hanover by way of Harburg and Minden. On the 17th the fortress Stade was stormed, and on the same day Falckenstein entered Hanover. On the 19th Manteuffel and his corps held the capital; Goeben marched against Göttingen.

The impression of these events upon Germany was extraordinary. Within three days, three states had been occupied which easily could have put up an army of about 50,000 men. The result was that almost all the northern and central minor states of Germany joined Prussia. Meanwhile, the Hanoverian army, poorly equipped, gathered near Göttingen. Its aim was to march toward the South and unite itself with the South Germans, especially the Bavarians. This plan could not be carried out, as Cassel had already been taken by the Prussians. On the 20th the Hanoverians decided to retreat to Eisenach by way of Mühlhausen. On the 23rd the army reached Langensalza.

Here negotiations took place which produced

misunderstandings, whereupon, on June 27, a battle was fought between 16,000 Hanoverians and 8,000 Prussians who were assisted by Coburg-Gotha soldiers. The Hanoverians were victorious. The outcome was essentially due to the disobedience of the Berlin orders given by Moltke and the king to Vogel von Falckenstein. The Hanoverians, however, could not break through the Prussian lines, despite their victory. Meanwhile, Falckenstein had occupied Eisenach, and held the entire Thuringian railroad. The Hanoverians were compelled to capitulate on June 29. Their king and crown prince were permitted to depart, and soon left for Hietzing, near Vienna. The Hanoverian officers promised to serve no longer during the war on condition that they should retain their horses and arms, and receive their arrears in salary; the soldiers gave the same promise, were disarmed and dismissed. Thus the first part of the West German expedition had come to an end: Saxony, Hanover and the electorate of Hesse were captured.

Meanwhile the states of southern Germany had mobilized. Two corps were organized: the Bavarian on the upper Main, under Prince Charles of Bavaria, and the southwest German corps, under Prince Alexander of Hesse, on the lower Main, consisting of soldiers of Württemberg, Baden, Hesse-Nassau, and assisted by an Austrian brigade under Neipperg. The southwest German corps,

however, could not be ready before June 30. Both commanders agreed to unite near Hersfeld against the Prussian army. This junction was prevented by other events. Prince Charles was induced by false reports, and by orders issued by the Austrian emperor, to march along the Werra to aid the Hanoverians who, in the meantime, had already capitulated. During his march he met the Prussian army under Falckenstein on the Rhön, was defeated near Dermbach on July 4, and withdrew eastward.

While the Prussians resumed their march toward Fulda, Prince Charles, who meanwhile had been made supreme commander of the two western confederate corps, attempted once more to unite his forces south of the Rhön, and asked Prince Alexander of Hesse to gather his corps near Kissingen. If these two corps had united, the Prussian army would have encountered a considerable and numerically superior enemy. But at this critical moment Prince Alexander of Hesse disobeyed orders. The princes of Darmstadt and Nassau would not deprive their countries of troops, nor did the confederate diet want thus to leave the road open for the Prussians to occupy Frankfort. The military committee of the Confederacy telegraphed, therefore, in accordance with article four of the military constitution of the Confederacy, to Prince Alexander, to protect the line along the Main, that is, to leave Prince Charles to his fate for the sake of

the confederate diet. While Prince Alexander was marching toward Frankfort, Prince Charles and his Bavarian troops could do nothing but look for a well-fortified position between Kissingen and Schweinfurt. Before he could reach that position, he was surprised by Goeben of the Falckenstein army, on July 10. After five victorious skirmishes near Kissingen the Bavarians retreated, and the Prussians crossed the Frankish Saale. This new Bavarian misfortune finally impressed upon Prince Alexander his duty, and he began to march along the Main, to unite his forces with those of Prince Charles. But during his march eastward his army was defeated near Lauffach and Aschaffenburg, on the 13th and 14th of July.

Prince Charles retreated southward, toward the Tauber, whither the Bavarians had gone. And there, at last, far in the South, the two confederate corps could unite. The Prussians, however, cared nothing about their union. On July 16 Vogel von Falckenstein led his victorious army into Frankfort, whence the most venerable confederate diet had hastily fled to Augsburg. Falckenstein imposed upon the city a contribution of six million florins, assumed the government of Upper Hesse, Frankfort and Nassau, and telegraphed to King William: "All territory north of the Main lies at the feet of Your Majesty."

On the same day he was appointed "governor

general of the kingdom of Bohemia"; for great and important events had occurred in the East in the meantime. In order to fight the northern army, Austria had concentrated 238,000 men who were to be reënforced by 23,000 Saxons. In addition to those, there were 90,000 men in the fortresses and 25,000 to protect Vienna and Hungary. Benedek was made commander-in-chief of the field army. Benedek, in early years a foolhardy leader, had highly distinguished himself in 1859, and was well acquainted with affairs of medium and minor importance. An excellent leader, but no great general, he was not equal to his task and entreated the emperor to appoint another general. The emperor is said to have replied that he had no better one. It is certain that Benedek assumed his most responsible position—for many of the best Austrian generals were by no means certain of victory—only after his dynastic feelings had been appealed to and his action had been represented to him as the center of the vital attitudes of so many officers of the imperial army. If he declined, all others would lose courage.

Benedek's first intention was to concentrate his army at Olmütz and await the enemy in the middle of the country. That was the actual view of the incapable chief of the general staff, Krismanič, who still believed in the military tactics and strategy of the eighteenth century. Later on, however,

Benedek marched into Bohemia. He led his army along the Sudeten mountains, toward the strongholds of Königgrätz and Josephstadt. That was the boundary line of the theater of war in the Southwest.

General Moltke was commander-in-chief of the Prussian army. With regard to scientific calmness and quiet precision he was the greatest general of modern times. He displayed these qualities of the scholar so openly that even the easy-going Empress Eugénie had justly criticised them in 1856: "General Moltke does not like to talk much, yet he is not really a dreamer. Always strained and straining, he surprises me by his most suitable remarks. . . . The Germans, a remarkable race they are! Louis says: the race of the future!"

The task imposed upon the chief of the Prussian general staff at the beginning of the war was not easy. The Prussian armies were at a great distance from each other, stationed near the northern and eastern frontiers of Bohemia. The intentions of the enemy were not known, and an invasion of Silesia was expected. When this did not take place, Moltke immediately thought of his own initiative: but was it not foolhardy in the extreme to invade a hostile country in forced marches, with widely separated forces, and there attempt to bring about a union between the scattered armies? Forty thousand Prussians stood as the Elbe army in Thuringia,

later on in Saxony under General Herwarth von Bittenfeld. Ninety-three thousand men, as the first army in Lusatia, were near Görlitz, under Prince Frederick Charles. One hundred and fifteen thousand men, as the second army, were in Silesia under the crown prince. Blumenthal was then chief of the general staff.

These armies had to be united in Bohemia. Gitschin and the region near Gitschin were regarded as the most natural place. From Görlitz there leads a road through Reichenberg, along the Bohemian side of the Sudeten mountains by way of Turnau, Gitschin and Sadowa, to the stronghold of Königgrätz. Northwest of Gitschin there was another road which could be used by the army of General Herwarth. Thus Gitschin was the most natural place where the Elbe army and the first army could meet. There are also two passes in Silesia, one of which leads to Gitschin by way of Trautenau, across the *Riesengebirge,* the other to Josephstadt and Königgrätz by way of Nachod and Skalitz; here the Silesian army was to meet the united Elbe army and the first army. Thus a decisive battle could be fought against the Austrians. In accordance with these natural conditions the military expedition was finished within eight days.

On the 29th of June the union of the Elbe army and the first army near Gitschin was certain. The Elbe army had been victorious in the battle at

Hühnerwasser; and the first army won in the battles of Turnau and Podol, of Münchengrätz and Gitschin.

At the same time the second Silesian army, led by the crown prince, began to advance; on June 27 its divisions were separated by the two Silesian mountain passes. Near the northern pass, Bonin was defeated by the Austrians under Gablenz, near Trautenau, and driven toward the pass. But he obtained aid from the corps which was stationed between the two main passes, to protect the two main roads, and on June 28 the battle of Burkersdorf was fought. Here Gablenz was defeated, and Trautenau was finally occupied by the Prussians. Near the southern pass, the seventy-year-old Steinmetz was victorious at Nachod and Skalitz, on the 27th and the 28th of June respectively, because of his watchful carefulness and tenacity. The result was that, after June 29, the Elbe and first armies could easily join the Silesian army. The entire army now needed a single leader, whereas its individual branches had hitherto been guided by telegraph from Berlin. On June 30 King William and Moltke left for Bohemia.

Because of the better Prussian tactics and the effectiveness of the new Prussian "needle rifles," the Austrian troops were discouraged. They retreated to Josephstadt and the region north and northwest of Königgrätz. Benedek first thought of

withdrawing the entire army to Olmütz to reorganize it there. But after the emperor had dismissed General Krismanič, Benedek once more found his old courage. Between Sadowa and Königgrätz, he decided to assume a defensive battle line.

Thus arrived the 3rd of July, the Day of Königgrätz, on which 215,000 Austrians fought against 221,000 Prussians in one of the foremost battles of the nineteenth century. The Austrians and Saxons were decisively defeated by the three united Prussian armies. Only fragments of the Austrian army fled to Königgrätz. Nothing remained for Benedek but to retreat to Olmütz and to protect Vienna. In the Prussian headquarters the full extent of the victory was not quite understood. The pursuit of the enemy was, therefore, not very energetic. On July 10 Prague was taken, to provide food for the army by means of that important railway center. The main army then marched against Vienna. Brünn was reached on July 12.

Benedek could do nothing but leave Olmütz upon the advice of the new commander in the North, Archduke Albrecht, and to hasten toward the Danube along the March, to protect Vienna. Only a small part of the army succeeded in getting there. The rest was hard pressed by the Prussian crown prince, so that it retreated into Hungary across the

Little Carpathians, in order to reach Pressburg and the Danube. Yet even there it was not safe. A Prussian corps had already crossed the March and invaded Hungary, when, after a battle near Blumenau (July 22), an armistice was concluded for five days. On July 26 the armistice of Nicolsburg was signed, which was soon crowned by final peace. The military movements thus came to an end. The Prussian vedettes bridled their chargers, while facing the Danube and in full view of the high tower of St. Stephen's in Vienna.

The battle of Königgrätz clearly showed Prussia's superiority over Austria. That was soon felt everywhere. The event of July 3 created the most extraordinary excitement throughout Europe, and particularly in France. The result, which had least been expected, had come to pass: Austria was beaten! The French clearly comprehended the new aspect of affairs. They foresaw the unity of Germany under Prussia's leadership, the establishment of a mighty empire in the center of Europe, which, instead of France, henceforth might control the politics of the continent. Forthwith France raised the cry *"Revanche pour Sadowa!"* With regard to this all agreed; army and clergy, liberals and legitimists. Perhaps the only one who did not very clearly understand the state of affairs, or who was perhaps too weak to draw the right conclusions therefrom, was the emperor. Napoleon should by

all means have intervened at that moment. Of course, France's army was not well equipped, so as to be able successfully to oppose the victor. None the less, Napoleon should have intervened, at least from the French point of view, especially as Austria had given him many an invitation.

Soon after the battle of Königgrätz, Austria ceded Venice to Napoleon in order that he might give it to Italy and compel her to conclude peace. That took place in accordance with the Austro-French treaty of June 12: but how different had been its earlier purpose, which was to have been realized after the overthrow of Prussia! Austria was now determined to rid herself of Italy's attack, in order to turn with all her might against Prussia. For Italy had accomplished little with regard to the war, and had been decisively defeated near Custozza on June 24.

On account of his irresolution, Napoleon was placed in a difficult situation with regard to the Austrian policy. He could not reject the offer of Venice without violating the treaty of June 12. He therefore chose a course which was destined to display his supposed superiority over the two enemies. He decided to assume the rôle of an independent mediator. A haughty editorial in the *Monitcur,* published July 5, announced that policy; it also created great enthusiasm among the French: Paris hoisted flags and was beautifully illumined.

But it soon became obvious that the assumed task was not easy. Italy, which was bound by the Prussian treaty not to conclude an armistice or peace without the consent of Prussia, rejected the one-sided negotiations and one-sided peace with Austria, in spite of the cession of Venice. On the contrary, the Italian troops advanced more energetically than before to cross the Venetian frontier. Prussia did not reject Napoleon's offer, but she treated the entire matter in dilatory fashion, so as to have time to create additional real claims of her own by an energetic advance against Vienna.

Napoleon's mediation therefore failed, and chiefly because each European power thought the emperor was concealing his real intentions. Only a few days elapsed before Napoleon found himself in a very unsatisfactory position and attitude. This was made clear to the outside world through the "political lamentations" of the French press. Despite a serious illness, Napoleon received the Prussian ambassador, Goltz, on the 11th of July. According to the latter's report the emperor was greatly moved, almost discouraged. He admitted he had committed a grave error, and he requested, amid threats, that the Prussian conditions of peace should be submitted to him, in order that he might be able to resume further negotiations.

Meanwhile Bismarck fought a hot battle in the Prussian headquarters, in order to reduce the con-

ditions of peace with Austria to what he regarded as politically correct. The military leaders were as proud as though they had conquered the universe, and King William himself would have liked to make far-reaching annexations. Heated discussions, therefore, took place between the king and his faithful adviser. Bismarck, however, humorously described the situation as not very serious, in writing to his wife on July 9: "We are both enraptured and desperate, and I was given the ungrateful task to pour water into the foaming wine, and to make these people realize that we are not the only ones in Europe, but that we are living with three neighbors."

In a note to the king, of July 24, he stated afterward: "Austria's exclusion from the Confederacy, together with the annexation of Schleswig-Holstein, Hanover, the electorate of Hesse, Upper Hesse, and Nassau may be regarded as an aim far greater than we had intended to reach before the outbreak of the war. If that aim could be achieved by means of a speedy conclusion of preliminaries, it would, according to my most humble opinion, be a political mistake to hazard the entire outcome by an attempt to gain a few more square miles or a few more millions as war indemnity from Austria." After the king had raised the question regarding the just punishment of especially guilty states, Bismarck warned him: "It is not incumbent upon us

to act as judges, but to carry on politics. Austria's struggle against Prussia deserves no more punishment than Prussia's struggle against Austria. It is the task of the king and his counselors to establish or begin to establish German-national unity under leadership of the king of Prussia."

Meanwhile, after the interview with Goltz, on July 11, Napoleon awaited the Prussian demands, and grew more and more impatient. Finally, on the evening of the 12th, Goltz received telegrams, and on the following day began to negotiate with the emperor. Napoleon consented to the establishment of a North German Confederacy, and to the proposed annexation or military subordination of all the individual North German states. Only the kingdom of Saxony was to remain independent, and to belong to the South German Confederacy. With regard to South Germany, he declared that public sentiment would compel him to insist upon an independent group of states which should be authorized to carry on war and conclude treaties. That was the ancient idea of France. Goltz responded that Napoleon's desires were not opposed to those of Prussia, provided the French government would not protest against German unity. In that case Prussia would appeal to the idea of unity, and demand the carrying out of the imperial constitution of 1849. If France's equilibrium in Europe should be impaired on account of the demands of Prussia,

the latter would moderate them or await and discuss France's counter demands. Yet Napoleon would hear nothing of demands regarding compensation, and raised the question whether Prussia would not cede the Rhenish province to the king of Saxony. To the partial annexations and eventual abdications of minor anti-Prussian rulers the emperor paid little attention.

Upon the whole, Goltz could hope that there was a possibility of bringing about an understanding between Prussia and France, judging from the contents of the interview. He therefore sat down and worked out a project regarding terms which, in case King William should accept them, he would send to Vienna. Should, however, those terms be rejected, he would regard his mission in behalf of mediation as completed. That project contained the following points: The dissolution of the old German Confederacy was recognized, and also the development of a new non-Austrian organization of Germany, which Prussia would establish in the form of a North German Union. The South German states were permitted to conclude among themselves an international, independent, South German Union. The relation between the two unions was to be regulated in accordance with mutual agreements. Prussia was to annex the Elbe duchies. With regard to other annexations in North Germany, save that of Saxony, Napoleon had repeatedly declared

General Von Moltke in 1871.

that this would make no difference to him whatever.

On the 14th of July Napoleon accepted these terms, while his minister, Drouyn de Lhuys, criticised them by saying, "All that's left for us to do, is to weep!" The emperor further added that Austria must remain in possession of all her provinces except Venice. These terms were soon laid before Austria and Prussia. They pleased both headquarters: so that Bismarck could make an attempt to negotiate with Austria once more in regard to the conclusion of peace under more favorable conditions. He failed at first because of Austria's suspicion. The terms seemed so moderate.

Finally, on the 18th of July, Vienna, hard pressed by the steady advance of the Prussian troops, accepted Napoleon's propositions, on condition that Saxony be not affected by the Prussian annexations in North Germany: for Saxony had been the only state which faithfully and effectively clung to Austria. The rest of her allies Austria left to the mercy of the victor.

On July 20 Paris and the Prussian headquarters learned that Austria had accepted the terms of peace. Bismarck proposed the conclusion of an armistice for July 22—the Prussians had meanwhile continued their march against Vienna—and on the afternoon of the same day negotiations in behalf of peace commenced at Nicolsburg. They

went on speedily because of the steady advance of the Italians, who had again become active after their fleet had been overwhelmingly defeated near the heights of Lissa by the Austrian fleet under Tegetthoff, on the 20th of July. Negotiations were delayed because of the desires of King William, which went far beyond the demands of Bismarck in behalf of Prussia. For even at that early date, on the battlefield of Königgrätz, Bismarck hoped to turn the closer German Confederacy into a more intimate alliance with Austria. King William would not yield till Bismarck acquainted him with the existing state of affairs, through his pamphlet of July 24, wherein he emphatically declared why and how much Austria must be spared. The king returned that pamphlet and consented to Bismarck's plan: "If we cannot obtain from Austria what army and country might expect, despite Bismarck's loyal intervention in behalf of the Prussian claims, our main aim not being endangered, the victor must yield in front of Vienna's gates and leave the outcome to posterity to judge."

Peace now was soon brought about; July 26, the preliminaries were ready to be signed. Suddenly the French envoy, Benedetti, appeared to demand compensations in the name of France, hinting that the latter might demand territory left of the Rhine. Bismarck replied, "Don't make any official announcements of that kind today," and signed! It

was the opportune moment; for at any later hour negotiations might have been brought to naught because of Napoleon's desire to obtain some territory. The French demands had only been delayed because of the serious illness of the emperor.

On August 23 peace was finally signed at Prague. Austria ceded no territory to Prussia, and paid only 20,000,000 florins war indemnity. She, however, ceded her claims upon Schleswig-Holstein to Prussia. In accordance with article 5 of the peace treaty, the northern districts of Schleswig were to be returned to Denmark, provided the population should be in favor of it. Venice was ceded to Italy; Austria consented to the dissolution of the German Confederacy, and to the reorganization of Germany by Prussia. She also recognized the eventual annexations of Prussia in the North, and was promised the integrity of Saxony.

On October 3, 1866, peace was also concluded at Vienna between Austria and Italy. According to this Austria recognized the kingdom of a united Italy, which included Venice. Meanwhile King William and his victorious army had returned home, and the labor of establishing the new German constitution had begun.

CHAPTER XIV

THE NORTH GERMAN FEDERATION

THE war of 1866 had begun to solve the question regarding German unity in a *makro-German* sense, and the question regarding hegemony in the lesser Germany in a Prussian sense. Today that connection is no longer doubted; but the people of 1866 did not see these things very distinctly. Just as the Austrian imperial House for a long time, at least till 1871, hoped that they once more would obtain supremacy over Germany, so the groups of *makro-Germans* who were very strong at about the middle of the sixties did not easily adopt views which were in sharp opposition to their previous attitudes and inclinations. Nevertheless, as early as August, 1866, Dingelstedt poetized:

> "King of Prussia, thou must die,
> To rise as German emperor!"

But did the king of Prussia feel that way? Even as late as 1871 he refused to accept the imperial crown. This was due to old Prussian pride. On

the other hand, there were many men who saw in the outcome of the war of 1866 only a minor happy event for Prussia, the consequences of which could easily come to naught in case of a new conflict. That attitude was due to views that had long been expressed by Austria. In a former interview with Bismarck, then Prussian ambassador to the Confederacy, Count Thun likened Prussia unto a man who had once, through the acquisition of Silesia under Frederick the Great, won 100,000 florins and who had arranged his domestic affairs with the expectation of the annual return of that event. Bismarck replied that if Vienna thought like Count Thun, he (Bismarck) believed that Prussia would once more undertake that well-known step. That had actually taken place; and once more Prussia was victorious. And it was still possible for Prussia to make another attempt.

At any rate, the next steps in Austria's internal policy showed how widely she was really separated from Germany, and from her old-time German ambitions. The course of Austria's inner evolution had even become anti-German. Nay, it had been so long prior to 1866. Through the February constitution of 1861, Austria had made a last attempt to unite the whole monarchy, including Hungary, and make it a firmly established political union. That constitution had been carried out only in the western half of the empire; and although it

had not been recognized with regard to every point, yet it created the basis of constitutional conditions which to this day still exist in that half of the Austrian monarchy. In Hungary, however, the population did not accept the idea of a united state. Already under the Goluchowski cabinet—prior to the time of Schmerling, to whom the edict regarding the February constitution was due—autonomous government according to district had again been introduced in Hungary, after the excesses of the revolutionary period. The Hungarians had been made independent in national as well as dynastic respects, and the state of imperial officialdom had come to an end. That actually meant the doing away altogether with the idea of unity in the eastern half of the Austrian empire, long before it had been realized through the February constitution. For how could any one deprive the Hungarians of their ancient constitution, after the government had been handed over to them, especially since they zealously demanded it? Schmerling thought it possible, but his limited success did not extend beyond the first few years of his activity, nor did he enjoy the full assistance of the emperor. Afterward, toward the middle of the sixties, his influence in the cisleithan half of the empire vanished more and more, and distinctly showed that Hungary was going her own way.

This became especially obvious about Easter,

1865, when, prior to the resignation of Schmerling, Francis Deak, the unchallenged parliamentary leader of Hungary at that period, proposed his so-called peace programme concerning the nation and dynasty. He no longer demanded a pure personal union between Austria and Hungary as he had done in 1861, when addressing the Hungarian diet. He demanded that the countries should have a common ruler, a common foreign policy and a common army. He further proposed that these matters should be regulated from time to time by delegates from both parliaments, the Austrian as well as the Hungarian. That was the idea of the compromise. It was the beginning of the modern history of the internal development within the Hapsburg monarchy.

Shortly after the programme regarding the compromise had been drawn up by Francis Deak, the Schmerling cabinet lost all its influence in cisleithan Austria, which now entered into a new era (July 30, 1865). The Belcredi cabinet which succeeded Schmerling began, on account of its feudal-aristocratic inclinations, to pay little or no attention at all to German officials and citizens, and to depend upon the Slavs. This took place in accordance with inclination rather than as part of a prearranged programme; indeed, the Belcredi cabinet had scarcely even gone beyond inclinations. It sufficed, however, that whatever Belcredi did he

did in behalf of the dissolution of the union between Austria and Hungary, as is always the case with aristocracies in monarchies, that usually possess stronger feelings for the rulers than for the state. On the 20th of September, 1865, the February constitution was not exactly abolished by an imperial edict, but merely "*sistiert,*" by which we may, if we wish, imagine a more gentle way of abolishment.

All this sufficed to clear the road for the Hungarian demands for autonomy as they were understood at Budapest. The complete union between Transylvania and Hungary took place. The recognition of the revolutionary Hungarian constitution of 1848, with all its freedom, was emphatically demanded and carried out formally, although certain conditions still had to be revised. This took place immediately before the war of 1866. At the same time the imperial diet in the cisleithan part of the monarchy was dismissed, and the center of gravity of all public life bestowed upon the country diets; here the Germans had to submit to Slavic majorities.

Upon the whole, this was a complicated and exceedingly vague situation. Yet all difficulties were being done away with before the war broke out. While negotiations went on regarding the introduction of the Hungarian constitution, all fundamental principles were clearly discussed, principles which

afterward created the dual state of Austria-Hungary. This was chiefly the work of Deak, who had achieved it with the aid of Czengery. All the experience of his political activity in behalf of his nation for forty years he set forth in the compromise between the two halves of the monarchy. When the war broke out, his project regarding the compromise had already been accepted by the Hungarian constitutional commission. Of course, that aim was achieved only by assuring the Hungarians that their constitution would be recognized; and the promise was made only because of the imminent conflict with Prussia. That war was, therefore, after all, the most important presupposition for the development of the constitution of the Austrian empire in the nature of a compromise.

The new constitutional conditions were formally arranged under Beust, who was made prime minister after the war, and who later on, as imperial chancellor, guided Austria's policy instead of the Belcredi cabinet. February 7, 1867, Beust solved the problem in conjunction with Deak, and the result was announced by the Imperial Rescriptions from February 16 to February 23. Henceforth Hungary was to be an independent kingdom despite her dependence. A Hungarian cabinet was formed under Andrassy; and on the 8th of June, 1867, Emperor Francis Joseph was crowned as King of Hungary. In behalf of the affairs common

to the western empire and to Hungary a special ministry was established, which consisted of delegates chosen from among the members of the parliaments of the dual monarchy, to represent the common interests of the empire. The old state debts were divided between the two halves; and in behalf of common expenditure as well as the regulation of customs and commerce, a financial compromise was concluded for the period of ten years. Thus a new Hapsburg empire had arisen; dualism had carried off the victory.

Yet it was to be foreseen that the movement in the western half, the real Austria, would not cease. The so-called "civil ministry" of January 1, 1868, under Prince Charles Auersperg, and composed of Giskra, Herbst and Pleuer, was obliged, first of all, to suppress national, separative movements, and to add to the constitution a number of liberal amendments. It seemed a continuation of Schmerling's activity on a smaller scale. In September, 1868, the cabinet resigned, and the succeeding administrations had to make far-reaching concessions to the Poles and the Czechs. Today, however, no one doubts that the former united Austrian empire, beginning with the time of the compromise, had begun to glide down a precipitous incline, leading to national decentralization; but federative forms necessary for its continuation had not then been found, nor was it easy to find them.

How different were the first measures of internal polities in Prussia! Before the war constitutional feuds in Prussia were bitterer than ever. Their object was the budget privilege and their cause the reorganization of the army by King William. During the four years from 1862 to 1866 no budget had been regularly accepted in the course of these feuds. Taxes were imposed illegally by the government, and were applied illegally also.

Of course, the war of 1864 had shown that the demands of the government had been just; while the events of 1866 had proved it in a most magnificent manner. The impression upon the country was profound. The new elections for the house of representatives, which took place on the day of the battle of Königgrätz, resulted in a majority on the side of the administration. This majority took the place of a tiny minority of only eleven men upon whom the government had been able to rely at the preceding session of the country diet.

The whole world was curious as to how the government would treat such constitutional conflicts as were still unsettled, now after the war, when it was victorious and applauded by all. And, of course, there was no lack of men who advised the king to avail himself of the victory by reëstablishing the old Prussian state in its autocratic purity, and by doing away with parliamentary talkativeness. Prussia had become great as a military

state, and only as a military state would she be able to maintain herself. Even in the cabinet that opinion seems to have prevailed. But Bismarck opposed it with the whole weight of his personality. Even before the war he had wanted to win constitutional approval for a general indemnity law to soothe the aroused passions of government and parliament. He had also negotiated with the leaders of the moderate party of the opposition, Twesten and von Unruh. Now, on August 3, he succeeded, with the assistance of the ministers, Eulenburg and von der Heydt, in convincing the king of his views, which included also the recognition of the constitutional régime. He only won his way after a hard fight.

August 4, King William returned to Berlin; on August 5 he delivered his speech from the throne to the members of the new Prussian diet, which met in the White Hall of the palace. All were in the greatest suspense, which turned to utter joy when the project regarding indemnity had been announced. Besides, financial affairs were shown to be in an excellent condition. In the house of representatives, too, the ice began to melt. The former president, Grabow, requested that he should no longer he retained as president, since his personality might perhaps be an obstacle to reconciliation. His request was granted; in his stead Forckenbeck was chosen, a member of the moderate opposition.

Most important of all, the national liberal party was now at last established, consisting of those liberals who placed practical progress above doctrinary obstinacy. Twesten, Lasker, Forckenbeck, and from the annexed provinces, von Bennigsen, Miquel and Otker, became the first and foremost members of the newly organized, new spirited house. Thus in every respect a new basis of conciliatory activity was to be expected. As early as August 14 the government laid the indemnity project before the diet. In the course of one of the debates Bismarck uttered those beautiful words: "We desire peace; for at this moment the Fatherland needs it more than ever before, and we hope we shall find it now. We would have desired it long ago if we could have hoped to find it." The project was accepted, with 230 votes against 75: only the progressive party and the Catholic faction under Reichensperger voted against it.

Soon afterward, on August 17, 1866, the law regarding the annexation of territory was discussed. They first considered Hanover; then the electorate of Hesse, Frankfort, Nassau and, later on, Schleswig-Holstein. The cabinet was in favor of a personal union between these countries and the crown of Prussia, in order to acquaint them gradually with the new conditions. The house of representatives went beyond that and decided in favor of a

real union, and the introduction of the Prussian constitution into the new territories on October 2, 1867. September 6, 1866, the new project was accepted with 273 votes against 14.

Thus a new Prussia had been established: a Prussia which comprised a considerable part of the German mother country, far more than did the state of the Hohenzollerns at any previous time, and perfectly able to serve as the controlling and guiding state of the future Germany. That task of the future was facilitated by the fact that Nassau, and the electorate of Hesse especially, very quickly accommodated themselves to the new conditions, since the former rulers had not been greatly liked because of their harsh and unjust governments. In Hanover the state of affairs was different, for this state had possessed an excellent previous administration, and the interests of the country had been taken care of in a very just manner. Here a "Guelph" party was organized, which remained hostile to the new conditions, and which was considerably aided and encouraged by King George of Hanover, who remained at Hietzing, and chiefly by Queen Mary. With this exception, it soon became obvious that the ancient saying, *victi victoribus leges dedere,* remained true. The influence of the population and officials of the annexed provinces, chiefly Hanover, upon the government of the new Fatherland was very great indeed. At an early

time a citizen of Hanover, named Leonhardt, was made Prussian minister of justice.

Aside from Prussia and her annexations, the next important question was how to secure Prussian hegemony in North Germany. Bismarck regarded that task as incumbent upon himself. The constitution of the North German Confederacy, which afterward became the constitution of the empire, is, as far as its most important parts politically are concerned, solely his personal work. For the development of the constitution, however, it was essential that all constitutional paragraphs be strictly confined to political necessities. Many ancient forms of the imperial constitution of 1849, and the later constitution of the German Confederacy, were still maintained. Prussia was merely to assume the rôle which Austria had held in the old Confederacy.

February 22, 1865, Bismarck had already declared what he had regarded as necessary in behalf of Prussia's supremacy, by stating under what conditions he would recognize Duke Frederick of Schleswig-Holstein. He had demanded, as you may recall, a firm and inseparable alliance with Prussia; organic union between the army of Schleswig-Holstein and that of Prussia; amalgamation with the Prussian marine; Prussia representing the duchies diplomatically; they to join the *Zollverein,* and finally, supreme control of, and certain privi-

leges to intervene in, the government post office and telegraph system. The entire internal government of Schleswig-Holstein, however, was to remain free. Prussia had laid before the confederate states the same questions, in the form of a project regarding the reform of the Confederacy immediately before the outbreak of the war, on the 14th of June, 1866, and after the confederate diet had voted upon the mobilization. In accordance with that project, the leading power (Prussia) was to control the army, navy, diplomacy, customs duties and transportation, while all other matters were to be cared for by the individual states themselves: thus, chiefly, inner administration, justice, religion and education. Yet these motions were softened by a proposition on a very broad democratic basis, namely, to appoint representatives of the people to the Confederacy as an imperial diet, a *Reichstag,* which should have executive power, and the members of which should be chosen by direct, universal and secret suffrage. Bismarck could hope that he would thereby meet the fundamental demand for liberty and union, the yearning of every German.

Early in the year 1860, the Württemberg chamber demanded a German parliament. In Bavaria and in Hanover similar resolutions were adopted on May 21 and May 29, respectively. On the 11th of July the two Saxon chambers offered to the

estates the already formulated motion: "Let the government energetically see to it that a German parliament be called in all Germany and within one month from now; not an assembly of delegates (as had been proposed by Austria), but rather an assembly, the members of which should be elected by direct votes." In Hesse-Darmstadt, the government went still further; on the 10th of July it declared that it strove "that the unity of the German people, by means of a freely chosen parliament, was to be the aim of an imminent war; a parliament which should possess all constitutional privileges, and which should be the central power that is to be placed above the individual governments, thus rendering valid the will of Germany as a whole." Far-reaching, yet somewhat uncertain words, which had, for that reason, been amended on June 13, in a note which the chamber sent to the grand duke, requesting the establishment of a parliament in accordance with the imperial law of 1849 relating to elections. Such an imperial diet the new Prussian proposition recommended.

Regarding the executive power of the new Confederacy, little was made clear; according to Bismarck that power was to correspond fully to the executive power of the old Confederacy, that is, be shared by all the governments under Prussia's presidency, just as Austria had hitherto held the leadership. After the victories of 1866 Prussia

still clung to these plans, with the exception of two demands regarding the military constitution.

On the 4th of August, in 1866, all northern states were invited to join Prussia. This was a magnanimous act, indeed, toward many a state. For even in the North Prussia had obtained military assistance from only a few minor states. Even those states which had voted against Austria at the last meeting of the confederate diet had sought to maintain neutrality, and had been unwilling to leave the old Confederacy. It was not until the war with Austria had reached its climax that the senate of Hamburg had consented, on July 4, to the conclusion of an alliance with Prussia. Weimar had left the Confederacy as late as July 5, and Brunswick had not joined Prussia until the following day. Bismarck, however, did not make the minor North German states atone for their dilatory policy. He began to negotiate with them, and, on the 18th of August, 1866, he had arrived at a conclusion. Only the two Mecklenburgs were belated, and they joined the new alliance on August 21.

Furthermore, there still were three states which were in a very peculiar situation, they were officially at war with Prussia: Reuss of the Older Lineage, Saxony-Meiningen and the kingdom of Saxony. In Reuss, there was reigning at that time Princess Carolina, née Princess of Hesse-Homburg. She had made common cause with Austria, had sent her

army to Rastatt, was undismayed despite all Prussian victories, and remained hostile to Prussia even after the conclusion of the Peace of Prague. Nothing remained but to defeat the princess separately. In August two Prussian companies were mobilized against her empire, and were stationed at Greiz. Still this tenacious woman maintained herself for four more months. She then paid 100,000 thalers to the Prussian fund for invalids, as she insisted upon the payment of a proper war indemnity, and concluded peace. In Meiningen, Duke Bernard was reigning, an honest and faithful man, and an ardent partisan of Austria. After Austria's fate had fulfilled itself it was generally believed that he would resign. He, however, regarded that idea as a sort of desertion and high treason; and only a Prussian army was able to make him understand the matter. Soon afterward his country also joined the North German Confederacy.

More important, and by far more difficult, was the state of affairs in the kingdom of Saxony. We have learned that King William insisted upon the annexation of that country; it was saved only through the intervention of Austria, which faithfully clung to its loyal ally. The Prussian party, however, which had favored the annexation, and which was very influential at the court of Berlin, made the details of the conclusion of peace infinitely difficult. Bismarck, too, refused to negotiate with

the Saxon minister, Beust. The latter, therefore, had to be dismissed, and was given shelter in Austria. Yet even now no further steps were undertaken till the middle of October, when King John of Saxony directly appealed to King William. At last peace was concluded, which in the end turned out profitably for Saxony. The really heavy conditions were but of a transitory nature. Until the reorganization of the Saxon troops along Prussian lines, a Prussian general was to be made commander-in-chief, and Prussian troops were to be stationed at Dresden and in the fortress on the Königstein. Saxony joined the North German Confederacy, and paid a war indemnity of 10,000,000 thalers.

After these things had been settled, and after the diets of the individual states had accepted the constitution of the new North German Confederacy, which was fully in accordance with Prussia's propositions (the Prussian diet alone having displayed particularistic views), new life began to thrive in North Germany.

On the 12th of February, 1867, the new imperial diet of the North German Confederacy convened for the first time. The members were elected by general and direct vote. The session lasted from February 24 till April 17. On the 16th of April the constitution of the Confederacy was accepted with a few by no means significant modifications;

though this result was not attained without considerable difficulties. The institutions created by the constitution were the imperial diet (*Reichstag*), the federal council and the federal presidency. The members of the imperial diet were elected by the people by means of a general, equal, direct and secret vote; the representatives received no pay whatever; the period of the legislature lasted for three years. The federal council (*Bundesrat*) consisted of representatives of the twenty-four governments, each state having a number of votes corresponding to its size. The federal presidency (*Bundespräsidium*) was in the hands of the king of Prussia, who ruled directly about five-sixths of the entire territory. He appointed the chancellor of the Confederacy as the executive official, and the latter was responsible to the *Reichstag*. The most important tasks regarding executive power were imposed upon the federal president. He represented the Confederacy in foreign affairs in time of peace and war; he assembled the *Bundesrat* and the *Reichstag;* he announced and supervised the carrying out of laws; and finally he appointed the confederate officials. The *Bundesrat* exercised legislative power in conjunction with the *Reichstag*. The objects of legislative power were: matters relating to personal liberty, nativity and settlement, economic legislation, organizations, press and the army.

With regard to all this, the Confederacy displayed, in the years 1867 to 1870, an especially wholesome legislation, which was the result of a happy collaboration of *Reichstag* and administration. This legislation was essentially liberal, as was to be expected, since unity, which was about to reach completion, and liberalism are as a rule very closely connected with each other. The constitution soon became of everlasting value, as most of it was transferred to the coming empire, and therefore became the law of the entire "Little German" territory, immediately after the establishment of the empire.

First of all, the finances had to be regulated. The entire customs system was controlled by the Confederacy, as was also the taxation of the consumption of native sugar, brandy, salt, beer and tobacco; afterward several more articles were added to indirect taxation. Thus the Confederacy obtained the chief indirect taxes, and became, therefore, financially independent. In case the federal taxes should not suffice to cover the expenditures of the Confederacy, the individual states were to pay "matricular contributions."

The organization of the army was of equally great importance. The number of years of military service amounted to twelve: three in active service, four in the reserve, and five in the *Landwehr*. Despite the former opposition of the Prussian diet

this project was accepted by all the confederate states, including Prussia. The government, however, would not have the army depend financially upon parliamentary allowances and demanded that for every man of the army in time of peace there should be made an annual allowance of 225 thalers. But the *Reichstag* was against such a project. Until 1871 the government was granted an allowance corresponding to one per cent. of the population.

The legislation of the Confederacy was especially directed toward the establishment of a general North German state law regarding nativity. Laws concerning personal liberty, settlement, passports, abolition of the privileges of the police to prohibit marriages, were also zealously discussed and established. In addition thereto, the position of the members of the Confederacy, as citizens of states, was also ascertained. This was settled by a law regarding equal rights for all confessions in civil and political respects. The later criminal code of May 31, 1871, was also connected with this law.

Finally, the economic life of the nation, which developed more and more rapidly, and a series of important social changes which was closely connected therewith, caused a very active legislation with regard to social and economic affairs. Thus, on May 5, 1869, the commercial code was established. Furthermore, a new banking system was formed and new laws regarding corporations and

shareholders, new laws regarding measures and weights, laws regarding a stronger development of the foreign embassies, and finally the establishment of a federal supreme court. Moreover, in all these laws, especially in those regarding commerce and transportation, there lay also essential preparations for a greater German commonwealth, a German empire. And politically almost all had been achieved with regard to it, save the formal organization of the empire.

In South Germany Napoleon's attempt to mediate regarding the conclusion of peace between Prussia and Austria had brought about a change of public sentiment, extraordinarily favorable for Prussia. Up to that time it had been believed that Bismarck was making common cause with Napoleon. Now, however, he was seen to be going hand in hand with Austria. In this policy Berlin saw the only defense against the French advance in Germany, especially since the minor states no longer possessed the feeling of independence, which had once enabled them to resist France for themselves. Bismarck said in his pamphlet of May 18, 1867, that the princes no longer had confidence that their attitude would be better respected by Prussia than by France during and after the vicissitudes of the war with Austria. "The gentlemen themselves are under the impression that the minor states with their modern, strained sovereignty by no means

benefited Germany, but rather French interests. . . . Owing to this very distinct consideration, the South German states need a very high degree of patriotism in behalf of Germany, in establishing their Thermopylæ on the Rhine, or in awaiting the eventual reoccupation of their countries by a Prusso-Austrian alliance. In time of danger they will act in accordance with the saying that the shirt is nearer to the body than the coat, their own country is nearer than the Confederacy. They will, therefore, seek to obtain direct guarantees at Paris, or perhaps expectations of profit. France might promise to cede Baden to Württemberg and Bavaria. . . . Many other simplifications of the German inner frontier might appear tempting. Yet the desire to exist urges the minor sovereigns to enter into non-German agreements because of their anxiety and indignation over Germany's increasing might and splendor. The highly distinguished parties in Paris think that such agreements are eagerly sought, provided they have not yet been found. France feels assured that the entire federal army cannot be united against her in case of war with Germany. Because of such ideas, the governments of the South German states had hoped to keep alive the political antagonism between France and Prussia. They were therefore exceedingly delighted to discover that their fear was without any significance whatever, and that Prussia protected

them against France. Such an attitude needs must benefit Prussia at the conclusion of peace with the southern states."

The majority of the South German states had sent representatives to Nicolsburg, to partake in the negotiations regarding peace. There, Bismarck had harshly rejected them, requesting them to "call a little later." For he knew it was of great importance to arrive at a quick agreement with Austria before European difficulties might arise. He feared lest France and perhaps England or Russia might intervene. On the 26th of July matters with Austria were settled. After that Bismarck returned to Berlin, on August 4, and the ministers of the South German states were summoned to a conference. As early as the 13th of August peace was made with Württemberg. The latter even offered to join the northern Confederacy, but was rejected, as this would have been contrary to the Prusso-Austrian agreement. The same policy was maintained with regard to the other states. Even during the negotiations with Württemberg, however, it became obvious that the southern states were by no means inclined to form a South German union, such as had been especially approved by Austria and Prussia. At least Württemberg and Baden rejected that idea. They preferred to enter into the better protected defensive and offensive alliances of the northern states with Prussia. Perhaps it

had been to arouse this feeling that Bismarck had publicly discussed France's desire to be compensated.

Finally Württemberg entered into an agreement with Prussia under the following conditions: a secret offensive and defensive alliance, in accordance with which the troops of Württemberg were to be controlled by the king of Prussia in time of war; the reëstablishment of the *Zollverein,* and acceptance of useful and liberal principles regarding the building of railroads and transportation by means thereof; a war indemnity amounting to 8,000,000 thalers. Negotiations with Württemberg were soon followed by the conclusion of treaties with the other minor South German states upon the same basis.

Somewhat more difficult were the negotiations with Bavaria, concluded August 22. Prussia demanded a great deal at first, one-half of Upper Franconia and a contribution of 30,000,000 florins. Yet Bismarck finally succeeded in persuading King William to demand no territory at all. At the same time Bismarck revealed to the Bavarian prime minister, von der Pfordten, the attempts of Napoleon to obtain the left bank of the Rhine. Pfordten saw therein a danger for Bavaria in the Palatinate, and concluded an offensive and defensive alliance, similar to that into which the other South German states had entered with Prussia.

CHAPTER XV

SOUTH GERMANY JOINS FORCES WITH PRUSSIA

THE conclusion of peace with the southern states was of the utmost importance for the German future. Since the integrity of the states had been preserved almost fully—Bavaria ceded only small tracts of land in order to assist in establishing a more secure frontier—the independence of the South German states was felt by them to be secured. Because of the French danger, they felt compelled to join the great northern Confederacy under Prussia's leadership in time of war. Thus the unity of a closer Germany was almost complete from the military standpoint. Yet notwithstanding these procedures, the desire of the South German states to conclude separate confederacies was not wholly ended.

The peace with Austria had already guaranteed sovereignty and future territorial integrity to the South German states; they were at the same time advised to organize a special southern Confederacy among themselves. As has already been stated, the

governments of Baden and Württemberg would not hear of forming such a confederacy: they feared lest they should be dominated by Bavaria. The latter, however, clung firmly to the idea. In order to realize it in a certain relation to the North German Confederacy and to Austria, Prince Hohenlohe, the later ambassador, governor of Alsace-Lorraine, and imperial chancellor, who had been made Bavarian minister of foreign affairs on December 31, 1866, was very active. He combined a pronounced conviction of the necessity of a firm stand against the North with a good Bavarian liberal sentiment, quite in accord with his king, the fantastic Louis II.

The South German states, in accordance with the defensive and offensive alliance which they had concluded with Prussia, were obliged to make their military contingents correspond to Prussian demands. In behalf of a common procedure in that respect, Hohenlohe recommended military conferences of the states with one another. These took place at Stuttgart from February 3 to February 5, 1867. Those conferences carried with them financial questions which made it necessary to discuss them during the meeting of the Württemberg diet. On that occasion the existence of the offensive and defensive alliances, hitherto kept secret, was announced and was published by Bismarck on March 19, 1867. The news pleased nearly all the states, especially since all began to fear France anew be-

cause of the Luxemburg matter which we shall discuss presently.

Hohenlohe, however, believed it necessary to prepare more fully for the safety of Bavaria and southern Germany, and at the same time to further matters relating to a separate southern Confederacy. In April, 1867, he sent Count Tauffkirchen to Berlin and Vienna. Tauffkirchen was to recommend a triple alliance, which was to comprise the North German Confederacy, the southern Confederacy, which was still to be established, and Austria, for defensive purposes against France. It soon became obvious that Bismarck was not opposed to the idea, but desired that Russia should be induced to join the alliance, or at least be notified of its existence. Owing to the extremely friendly relations between Prussia and Russia, such a procedure was necessary. The remainder of the plan met with his approval, probably because he surmised that Tauffkirchen's mission would meet with failure in Vienna. That was actually the case. The Austrian chancellor, Beust, hoped to enter into an alliance with France, in order to undo the events of 1866 with the aid of the latter. He rejected Count Tauffkirchen's proposal.

Hohenlohe now attempted to bring about a uniform evolution in South Germany, disregarding international relations, but in close connection with the North German Confederacy. He proposed that

certain affairs of all the German states should be regarded as common and should be discussed by the North German *Reichstag* and by the South German diets, which were to meet simultaneously and yet independently, whenever any project of importance affecting the whole German people should arise. Baden recommended as a simpler plan that the new *Reichstag* should be strengthened by several South German members. But Berlin could not approve of this, chiefly because every measure of this kind would have meant a violation of the peace with Austria. Bismarck, therefore, believed he would not be able to assume such a responsibility, owing to the unsatisfactory, almost perilous, relations with France.

On the other hand, however, there was a splendid opportunity of bringing about further unity between North and South, which would once for all do away with the evident desire of Bavaria to establish a southern Confederacy. The opportunity arose from the existing tariff conditions. To understand this our narrative has to reach back to a description of affairs that took place long before the war with Austria. The policy of the *Zollverein* was one of the most essential means by which Prussia, in the course of the thirties and forties, had labored in behalf of the future unity of Germany, under Prussia's leadership. For the same reason she was active in the *Zollverein* even in the

time of reaction, during the fifties. When Austria had firmly determined to humiliate her rival utterly, after the Day of Olmütz in 1851, she had also attempted to deprive Prussia of the *Zollverein* by seeking to join the latter herself, with the aid of several South German governments. By joining it she might be able to control it later. Prussia, however, succeeded in compelling Austria to postpone that project for a time by entering into a speedy agreement with the Lower Saxon *Zollbund,* which was still under Hanover's control. On September 7, 1851, Prussia received the *Zollbund* into the larger *Zollverein* under most favorable conditions. Despite the favorable terms she offered, she had difficulty in inducing other states, too, to join her. A number of states continued to hold tariff conferences at Vienna and Darmstadt, in 1852, in order to bring about a tariff treaty with Austria. They even succeeded in inducing Prussia to consent to an agreement which laid down easy tariff conditions for Austria and the *Zollverein,* and which spoke of Austria possibly joining the latter.

Upon the whole, Prussia's commercial politics were much strengthened by these attempts on the part of Austria to destroy or avail herself of Prussia's commerce. After the beginning of the sixties Prussia's position grew especially strong. Through the conclusion of a commercial treaty with England, Napoleon had caused a complete revolution in

the European commercial treaties. In the course of that movement, Prussia entered into a commercial treaty with France, in 1862, both for herself and for the *Zollverein*. This was a significant step in commercial progress, but a number of German states would not consent to it. On the contrary, they once more attempted to enable Austria to join a proposed reconstructed *Zollverein*, and Austria declared its readiness to accept the entire tariff of the *Zollverein*. Once more, however, Prussia was victorious. She firmly clung to the French treaty; the industrial parts of Germany soon recognized its advantages, especially the kingdom of Saxony, and yielded their consent to it. In 1864 the *Zollverein* was renewed, without Austria.

Such was the state of affairs in the year 1866. The *Zollverein* treaty, like all other treaties among the German states, had been brought to an end by the war. Thereupon North Germany became an entirely uniform tariff territory. With regard to the southern states, Prussia availed herself of the peace treaties, in order to work in behalf of a reorganization of the *Zollverein* in a still more permanent manner than heretofore. Whereas the *liberum veto* of the old confederate constitution had hitherto prevailed in the *Zollverein*, under which a single vote could bring to naught resolutions adopted by the remainder of the states, it was decided to employ henceforth the rule of a majority

of votes in case of a reorganization of the *Zollverein.*

Meanwhile the movement had gone much farther, especially regarding the free economic development within the nation. At a meeting of the committees of the German fair, the public economic congress and the national association, held in Brunswick on the 4th of August, 1866, Karl Braun, representative of Wiesbaden, moved that the government of affairs relating to the *Zollverein* should be exercised by the central power in the new North German Confederacy, and that the confederate parliament should possess legislative power: the parliament should further, for this purpose, admit South German representatives. Thus the idea of Bismarck in 1858 was enlarged. The *Zollverein* was to be increased and reorganized by a sort of tariff parliament, an institution the establishment of which had been planned by the liberal movement in 1849. The meeting held at Brunswick not only accepted but even amended the motion. It was decided that the arrangement was to be temporary and was to end in 1870. After that period the South Germans were to join the North German Confederacy, or be confronted with the severe eventuality of leaving the *Zollverein* altogether.

Thus the nation was forthwith drawn into far-reaching political consequences, out of the reorgani-

zation of the *Zollverein*. Bismarck did not yet pay open attention to it, just as he did not accept a later proposition of Baden to be admitted to the North German Confederacy. He would not give Napoleon an opportunity to intervene. Yet, from the economic point of view, he fully agreed with Braun's motion. May 28, 1867, he invited the South German states to Berlin for the sake of mediation; and on the 3rd and 4th of July a preliminary treaty was concluded, which was signed on the 8th. This new treaty was to be in force for twelve years and was to become perpetual unless it should be repudiated before the end of the tenth year.

According to this treaty the *Zollverein* was renewed, and crowned by a tariff constitution, which represented a uniform Germany with regard to economic questions beyond the reach of a southern Confederacy. The North German *Bundesrat*, in the legislation regarding the tariff system, was to be aided by representatives of the South German states, Bavaria possessing six votes, Württemberg four, Baden and Hesse three votes each: thus the *Zollverein* actually became a German *Bundesrat* with regard to matters relating to the tariff. The North German *Reichstag*, in matters relating to the tariff, was to be assisted by South German representatives also, who should be elected in accordance with the principles of the election of the North German rep-

resentatives. With regard to tariff matters the North German *Reichstag,* therefore, became a German *Reichstag.* Thus, from the economic point of view, Germany's unity had been achieved, despite the political dividing line of the river Main, provided for in the Peace of Prague.

It soon became doubtful as to whether the South Germans would be inclined to join and be engulfed in the northern Confederacy. The southern Confederacy had been unsuccessful because of the opposition of Baden and Württemberg, as well as because of the intervention of the negotiations of the *Zollverein;* but some other union might be arranged. The elections for, and the negotiations of, the tariff parliament will give a clear picture of the confused state of affairs. The first elections for the tariff parliament took place on February 18, 1868. In Baden six clericals and eight nationals were elected. In Württemberg all seventeen who had been elected were *democratic-makro-Germans* of the opposition. In Bavaria twenty-five particularists were elected, twenty-four of whom belonged to the clerical party, twelve nationals, and six members of the Bavarian center party. That was by no means a favorable result for a North German union. In addition to the *makro-German-democratic* element, a future clerical opposition was in view. That clerical opposition was directed only and solely against German unity under Prussia's

leadership; for ecclesiastical and religious questions were wholly disregarded as far as the election for the tariff parliament was concerned.

The negotiations of the tariff parliament itself, which began at Berlin on April 27, 1868, brought about a similar result. Of course, the question of future German unity was also discussed; the opening address, in fact, reviewed the whole matter. The nationalists introduced a resolution, addressed to King William, requesting that the tariff parliament should be changed into a general parliament. Chiefly through the efforts of the South German clericals, this resolution was rejected by 186 votes against 150. Bismarck had difficulty in holding together the turbulent spirits, and in confining the discussion to the present situation.

Everything thereafter seemed to go along smoothly. A commercial treaty with Austria was passed by an overwhelming majority, while a tax on petroleum and an increase of the tax on tobacco were rejected, and the plan regarding a general reform of the tariff system was withdrawn by the government. On the 23rd of May, 1868, the first session adjourned. Subsequent sessions in 1869 and 1870 had only technical significance. A commercial treaty was concluded with Switzerland, a new law concerning the *Zollverein* was established, and laws were passed concerning the taxes imposed upon beet sugar. This parliament evidently did

not possess any great constructive ability; especially since the sentiment in South Germany toward the northern Confederacy did not grow more favorable as the years went by.

This matter is sufficiently important to be discussed in detail. In Württemberg the *democratic-makro-German* sentiment still prevailed; the clerical party was unable to stand up against it. At the same time, however, the democratic party displayed a cheerful activity within the country itself. In the year 1868 the new constitution was completed; a great number of laws that were established took care of the improvements of the schools, the judiciary system and the internal government. With regard to foreign affairs, the northern Confederacy and also the ambition of Bavaria were feared. The influence of the northern Confederacy, that is, Prussia, aroused increasing anxiety. The offensive and defensive alliance announced in 1867 frightened the more timid Württembergers; and its results grew worse from year to year, especially so far as finances were concerned. Thus the democratic party, as early as April, 1869, could successfully reject the Prussian military system in favor of one after the fashion of Switzerland. Nevertheless Prussia might still hope that, in Württemberg, public sentiment would change easily in favor of German unity under Prussian leadership, as there were no irreconcilable contrasts in that state.

Affairs in Bavaria were far less favorable. True, the defensive and offensive alliance had been concluded with Prussia, and the corresponding credits in behalf of the reorganization of the army had been granted. The larger cities, too, where the majority of the Protestant population resided, displayed pan-German sympathies. This was especially true with regard to the Palatinate. But in Bavaria of the sixties, there were only 1,600,000 Protestant inhabitants, amid a total population of 4,700,000, and the Catholics were controlled wholly by the influence of the clergy. The election for the *Zollverein* distinctly showed what that meant. Thus the Hohenlohe cabinet, being liberal and sympathizing with Prussia, met with serious difficulties. None the less, Hohenlohe forthwith began hostilities against the clericals, with the consent of King Louis II. On September 28, 1867, the episcopate sent a note to the king, in which the Church demanded control over education and schools. The reply consisted in the establishment of a law according to which the inspection of schools was bestowed upon laymen. The country accepted that law on February 23, 1869, with 114 votes against 26. Yet the *Reichsrat* amended the bill in such a way as to make it no longer acceptable, after it had been returned to the diet.

More peculiar still was the state of affairs in Baden. That state decided that Catholic religious

education should be controlled by the state alone. The archbishop of Freiburg protested against this on September 18, 1866. Yet the cabinet disregarded his protest. The clerical party soon began to grow active. Baden sent six clericals to the tariff parliament. On the 1st of May, 1868, eighty influential clericals published a manifesto, demanding all sorts of far-reaching liberties, above all, the freedom of the Church. This was the frequent and well-known shift of clericalism toward democracy in behalf of the attainment of tyrannical purposes.

Thus, if we look for a deeper reason why so many people in South Germany were opposed to the progress of the idea of unity under Prussian leadership, we cannot help thinking of clericalism. The latter was hostile to the young unity, even when unity was but a dream. And no one can doubt that the clerical tendencies in South Germany kept on increasing from 1866 to 1870.

However that may be, it certainly was time to settle once for all the persistent problems regarding German unity. But how could Prussia take a step without antagonizing the very states she wished to win? Once more there came to Bismarck's assistance the man who, against his will and knowledge, repeatedly rendered the greatest service to the Germany of the nineteenth century—Napoleon III. The Franco-German War brought about the long-desired unity.

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Author Ellis, Edward - Ed.

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Jeri Vance 583	JAN 2 0	1962
D Wichman	JAN 2 6	1969
B. Bobb 84	NOV 2 3	1972
Barbara Kurtz 344-4721	JUL 1 3	1982

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